

**OVERSIGHT HEARINGS ON THE OPERATIONS AND
FUNCTIONS OF THE OFFICE OF THE SERGEANT
AT ARMS OF THE UNITED STATES SENATE**

**HEARINGS
BEFORE THE
COMMITTEE ON
RULES AND ADMINISTRATION
UNITED STATES SENATE**

NINETY-NINTH CONGRESS

SECOND SESSION

ON

**OPERATIONS AND FUNCTIONS OF THE OFFICE OF THE
SERGEANT AT ARMS OF THE UNITED STATES SENATE**

JULY 30 AND SEPTEMBER 29, 1986

Printed for the use of the Committee on Rules and Administration



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(III)

OVERSIGHT HEARING ON THE OPERATIONS AND FUNCTIONS OF THE OFFICE OF THE SERGEANT AT ARMS OF THE SENATE

WEDNESDAY, JULY 30, 1986

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:01 a.m. in room 301 of the Russell Senate Office Building, Hon. Charles McC. Mathias, Jr. (the Chairman), presiding.

Present: Senators Mathias, Warner, Pell, Inouye, DeConcini, and Gore.

Staff present: John B. Childers, staff director; John R. Rixey, Jr., majority counsel; William McW. Cochrane, minority staff director; Gerald W. Siegel, minority chief counsel; John K. Swearingen, director, technical services; Ann B. Cook, chief clerk; Carole J. Blessington, assistant chief clerk; Gerald Gereau, chief investigator; Dennis G. Doherty, auditor; Gail S. Martin, minority professional staff member; Waitus A. Dowless, professional staff member; Ronald Lee Hicks, senior systems analyst (technical services); Patrick Sarman, senior systems analyst (technical services).

The CHAIRMAN. The Committee will come to order. I appreciate Senator Pell's being here so promptly.

Senator PELL. I just regret I can't stay right through the hearing, but I commend the Chairman for holding it and look forward to reading the record.

The CHAIRMAN. Thank you, Senator Pell. Members of the Rules Committee requested that the Committee exercise an active oversight on the operations of the Office of the Sergeant at Arms. Pursuant to various statutes and rules and resolutions of the Senate, this Committee has, in conjunction with its policymaking role, considerable authority over the operations of the Sergeant at Arms.

This authority can be divided into two categories, those relating to payment of money out of the contingent fund of the Senate, and those relating to Senate administrative functions in general.

I have listed the major functions in each category. I won't read them, but I would ask unanimous consent that they be inserted into the record at this point. And without objection they will be inserted.

[The following was received for the record:]

Statutes and Rules Relating to Payments From the Contingent
Fund of the Senate and/or related Responsibilities of the
Rules Committee.

- 2 USC 58a (SAA provision of telecommunications services to Senators payable from contingent fund)
- 2 USC 61f-1a (travel expenses of Sergeant at Arms and Doorkeeper payable from contingent fund)
- 2 USC 61f-8 (SAA procurement of consultant services payable from contingent fund)
- 2 USC 65a (premiums of insurance purchased by SAA to protect the funds of their offices payable from contingent fund)
- 2 USC 68 (Rules Committee sanction required for payments from contingent fund)
- 2 USC 69a (expense allowance for SAA for reimbursements for expenses incurred in conducting orientation seminars for Senators payable from contingent fund)
- 2 USC 121a (Senate Barber Shops Revolving Fund is within the contingent fund)
- 2 USC 123b(a) (Senate Recording Studio, which receives monies from a revolving fund established for it within the contingent fund)
- 2 USC 123d(a) (Senate Computer Center Revolving Fund is within the contingent fund)
- Rule XXV(n)(1)8 (Rules Committee jurisdiction over payments of money from contingent fund)

Statutes and Rules Relating to Responsibilities of the
Rules Committee for General Administrative Functions
for the Senate

- 2 USC 58a (SAA furnishes telecommunications services to Senators in accordance with Rules Committee regulations)
- 2 USC 61f-8 (SAA procurement of consultant services requires prior consent of Rules Committee)
- 2 USC 59b(b) (Rules Committee makes regulations governing purchase of equipment and furnishings by former Senators)

2 USC 117 (SAA sells wastepaper and condemned furniture under the direction of the Rules Committee)

2 USC 123b(c) (Senate Recording Studio operated by SAA under direction and control of Rules Committee)

2USC 123b(d) (Rules Committee sets prices for providing services to Senators)

2 USC 123c (SAA may enter into multi-year contracts for automatic data processing equipment subject to approval of Rules Committee)

2 USC 123c-1 (SAA may enter into contracts providing for advance payments for computer programming services subject to approval of Rules Committee)

2 USC 123d(b) (Contracts for use of Senate computer require Rules Committee approval)

Rule XXV(n)(1) (Rules Committee jurisdiction over administration of Senate Office Buildings)

Rule XXV(n)(1)12 (Rules Committee jurisdiction over services to the Senate)

Rule XXXIII (Rules Committee to make all rules and regulations regarding Senate Wing of the Capitol and Senate Office Buildings)

I want to make clear, however, that Rule 25 of the Standing Rules of the Senate confers on this Committee jurisdiction over the provision of services to the Senate, the administration of the Senate office buildings, and the Senate wing of the Capitol; and, in addition, over the payment of money out of the contingent fund.

2 U.S. Code 68 mandates Rules Committee sanction of all payments from the contingent fund of the Senate.

Over the years, as new services were needed, the Rules Committee has increasingly turned to the Sergeant at Arms and the Architect of the Capitol and various outside vendors to fulfill those needs that the Committee deemed necessary for the smooth operation of the Senate. The Committee approved service and then it assigned the task of delivering the service to the appropriate manager, but of course, as Senator Pell is well aware, because of his long service on the Committee, that did not and it does not relieve the Committee of final responsibility to the Senate for those services.

We do not have a full recorded history—perhaps Senator Pell's memory would be one of the better sources of history—but we don't have a full recorded history of how some of those assignments and responsibilities were made, with the exception of the Computer Center, where there is a very clear record of establishment.

It was about 1970 that the Committee was faced with the need to have a fullscale computer service for the Senate. The need was clear, and some of the functions were already agreed on—, for example, the handling of names and addresses, and payroll.

The Committee asked a consultant to advise on the organization and the mission of the Computer Center. Consideration was given to making the Center a part of the Committee. Should Computer Center employees be on Committee staff was one of the typical questions that were raised.

The final decision was that the management of the Center should be assigned to the Sergeant at Arms. At that time the relationship of the Committee and the Computer Center and their respective responsibilities were spelled out, and guidelines for information processing and computer service activities.

And to complete the record on this point I would ask unanimous consent that the copy of that be included in the record. And without objection it will be included.

[The following was received for the record:]

United States Senate

COMMITTEE ON
RULES AND ADMINISTRATION
WASHINGTON, D.C. 20510

(Adopted by the Committee on Rules and Administration on July 21, 1971)

GUIDELINES FOR INFORMATION PROCESSING AND COMPUTER SERVICE ACTIVITIES

The Committee on Rules and Administration shall have authority concerning policy, organization, initiation, implementation, operation and evaluation of all matters concerned with information processing and communications as they relate to mechanization, automation, computerization, or related functions.

All Senators, Committee Chairman and Officers of the Senate should address requests for such services to the Chairman of the Committee on Rules and Administration, with supporting documentation of the requirements.

At the direction of the Committee, its staff will consult with the requester, make any additions necessary to the documentation, and prepare a report for consideration by the Committee.

If the Committee favorably considers a study or action for initiation or implementation, it will direct its staff to take responsibility for the performance of the specified task in full consultation and agreement with the requester, who will be considered to be the user or recipient of such task or service. All statements of requirements, justifications, cost analyses and recommendations will be developed by the staff in conjunction with the users.

At the direction of the Committee, the staff will act as a project director (or will designate a project director) for the performance of all tasks or projects. This would include the selection, monitoring and evaluation of contractors and consultants, as well as Senate staff component support. In addition, the staff will be responsible for (or will delegate responsibility for) all implementation, operation, user orientation and training, and evaluation of any approved systems, including the procurement (or delegation of such procurement) of any supporting equipments or services.

At the request of a Senator, Committee or office, the Committee on Rules and Administration will provide for professional consultation concerning problems related to information processing, ongoing systems under the jurisdiction of the Senate, or systems to be proposed to the Committee for consideration.

The Committee will establish all policy concerning the operation of new services and systems, and will maintain the authority to have its staff be responsible for such operation, if so required. In addition, the Committee will assume the authority and responsibility for any related supporting activities not so stated above, as may become necessary from time to time.

Nothing in the foregoing is intended to preclude Senators, Committees or Officers of the Senate from conducting independent preliminary studies or investigations of administrative practices and procedures, providing any consequent commitments in the name of the Senate with regard to information processing services be made through and by the Committee on Rules and Administration.

B. Everett Jordan,
Chairman.

Now, the guidelines document, while dealing with computers, is actually an application of a basic management principle: the assignment of duties and responsibilities. It says that all new services, regardless of where the idea or request originates, must be authorized by the Rules Committee, and when something is authorized the assignment of responsibility for execution and funding will also be made.

That statement has broad application, and we have applied it to our dealings with all components of the Sergeant at Arms and the Architect of the Capitol.

The Committee sets policy, authorizes a service, and assigns it to the appropriate manager. Having done that, we don't interfere in the management of the service, although we do keep an eye on it to ensure that it is performed as intended.

In preparation for this meeting, a preliminary set of questions was sent to the Sergeant at Arms on Monday, the 21st of July. An expanded version of the questions was sent to the Sergeant at Arms on the 23rd of July, and his answers to the first set of questions were received on Monday, the 28th. Copies have been provided to the Members.

A copy of the Sergeant at Arms' statements to the Subcommittee on Legislative Appropriations on the 25th of June and summary sheets prepared by the committee staff have also been provided to Committee Members.

A look at the total funding approved for the Sergeant at Arms for the last five years shows substantial increases: \$49,330,000 in 1982, \$87,119,000 in this fiscal year, and a request of \$108,222,000 for 1987.

I am sure that it is not necessary to remind the Members of the Committee of the painful exercise we have gone through in the past five years in dealing with the budget requests of the committee chairmen, but some comparison might be instructive. Total funding approved for committees, that is, the entire committee structure of the Senate, was \$41,900,000 in 1982 and \$43,600,000 in 1986.

Now, before we ask the Sergeant at Arms to tell us a little about those increases—and I should point out that many of them occurred, of course, prior to the current incumbent's administration—I should remind Members of the Committee that on many occasions we have taken action to authorize the programs. In other words, the authorization, the initiative, for these programs arose in this Committee. We were aware of the cost of the individual programs, but we have perhaps been unaware of the total cumulative costs of all the programs. By piecemeal authorizations we have lost sight of the total cost of services, so it's necessary that we have this review to bring us up to date on the total costs with which we are dealing.

Now, because of conflicts in the schedule today, I have asked Senator Warner if he could assume the Chair, which he has very kindly agreed to do. We will have a number of questions for the Sergeant at Arms. I hope to be back as much as possible to participate in the questions. Some of the questions which I am sure Senator Warner will be asking will be based on material that the Ser-

geant at Arms has previously supplied to the Legislative Appropriations Subcommittee, some on other material.

If there are additional questions that do not get posed at this hearing, I would suggest that we send them in writing to the Sergeant at Arms.

Senator PELL?

Senator PELL. Thank you, Mr. Chairman. I'm not sure if it's appropriate, but I am a little concerned about the office of the Capitol physician, Dr. Carey's office, and I wanted just to go on record as saying I thought Dr. Carey, at least in my contact with him over a good many years, has done truly an excellent job. And I understand he is a heart specialist, which is just what we all need up here, I think, and is being replaced by a dermatologist, which I am not sure is what we all need, with the pressures there are up here.

And I was wondering if these decisions at all come under the Sergeant at Arms, or where the doctor's office comes.

Maybe the Chairman has a view on it.

Mr. GARCIA. Mr. Chairman, Senator Pell, that does not come under the Office of the Sergeant at Arms. It is my understanding that it is a direct relationship with the Department of the Navy and the Leadership. I don't believe they go through any committee. I may be wrong.

Senator PELL. The decision to have a dermatologist to be our principal physician would rest with the Navy Department?.

Mr. GARCIA. Yes, sir, that's my understanding.

The CHAIRMAN. As far as the Capitol is concerned, we have a somewhat unfortunate gap in responsibility, because it is one of the bicameral services. The Sergeant at Arms is clearly responsible for the Senate, and therefore to this Committee. The Capitol physician, who is equally responsible to the House and the Senate, floats in a little different kind of water.

Senator PELL. I appreciate what the Chairman is saying and just wanted to raise this point, hoping the Navy in its wisdom would see that it might be more advisable to have a heart specialist than a skin specialist.

The CHAIRMAN. Since we have a former Secretary of the Navy with us, maybe we can get the Navy view of it.

Senator WARNER. Mr. Chairman, and my distinguished colleague from Rhode Island, I plead not guilty. I just don't know how this is managed up here. I know it's a longstanding tradition that the Navy has offered and the Congress has accepted medical services. I would hasten to observe, however, that I feel—I'm the son of a doctor, so I perhaps feel a little more keenly than others on this subject—that Dr. Carey has done a very fine and outstanding professional job. I know you implied that.

Senator PELL. I very much agree on that and want to emphasize that point, because I read in the press some critical remarks and I wanted to say that, as far as I was concerned, I thought he was an excellent physician.

The CHAIRMAN. If the Senator would yield, I want to join in this chorus because I also feel that he has been a very valuable doctor, and I particularly believe his diagnostic services, which are after all a critical factor in this particular responsibility—that his diagnostic skills and services have been outstanding.

And I was troubled, as was Senator Pell, by some of the published reports that reflected on the services of the Capitol physician.

Senator WARNER. If I might further, gentlemen, add a view about the successor, Dr. Narva—I have known him since 1969 when I joined the Department of the Navy. And while he is a trained and acknowledged specialist in dermatology, he has exhibited, all through the many years that he served me in the Department of the Navy as an extraordinarily able administrator, and one whose ability enables him to find within the Department of the Navy, and outside the Department of the Navy, those experts needed to match a particular case.

Very often, if not invariably, when naval doctors are elevated to flag rank, they no longer are responsible for their particular specialties, their specialty becomes one of administration as opposed to the dealing in the healing arts.

And I must say I think this is a wise choice of, presumably, the Secretary of the Navy. Someone in the Congress must have been consulted about this choice, and I would hope that we would give Dr. Narva a period of time in which to exhibit his abilities to provide for the care that his predecessors have done so well.

But I think it is important that we do look into what is the chain of responsibility for this medical department to the Congress.

The CHAIRMAN. Let's instruct the staff to make some inquiry and report back to the Rules Committee. And I suggest that they consult the Office of the Majority Leader and——

Senator WARNER. The Minority Leader.

The CHAIRMAN. Yes.

Senator PELL. And I wonder if we shouldn't add that there should be some sort of heart specialist up here on a reasonably permanent basis. You would know more about that than I would, as the son of a doctor.

The CHAIRMAN. Do you have anything further?

Senator PELL. Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Warner, if you would be kind enough to take the Chair. You can then make any opening statement you wish to.

Senator WARNER [presiding]. My opening statement will be very brief, Mr. Chairman, and that would be to the effect that I think, in the short time that Mr. Garcia and his able assistant, Ms. Morrison, have been in office, they have exhibited very capable skills, and certainly this Senator is quite satisfied with the manner in which you have handled, both of you, very capably this responsibility.

Mr. GARCIA. Thank you, Senator.

Ms. MORRISON. Thank you, Senator.

Senator WARNER. Now, as I understand, we will proceed to certain questions—or do you have an opening statement?

Mr. GARCIA. I have an opening statement, Senator.

Senator WARNER. Would you proceed. Wait, if this is the opening statement, we had better wait a minute before you proceed.

Mr. GARCIA. Well, Senator, if I might, I do have a statement for the record which is the one I think you are now looking at, and

then I have a statement that I will read today that is much more brief.

Senator WARNER. Your statement will be made a part of the record in its entirety, and why don't you articulate what you desire.

**STATEMENT OF HON. ERNEST E. GARCIA, SERGEANT AT ARMS OF
THE U.S. SENATE**

Mr. GARCIA. Thank you, Mr. Chairman. Mr. Chairman, and Members of the Committee, I am pleased to meet with you today and truly commend your interest in the operations of the Office of the Sergeant at Arms, as demonstrated by scheduling this hearing this morning.

It is truly my hope that this forum may serve to improve the relationship and communications between the Office of the Sergeant at Arms, and particularly the technical staff of this Committee.

Additionally, our discussions here today, I believe, will clarify our respective roles in providing efficient, cost-effective, state-of-the-art services and equipment to this institution.

Again, I welcome this opportunity and urge the Committee to continue with regularly scheduled hearings of this nature.

Before I discuss the particulars of our departments, I would like to provide the committee with an overview of actions taken the first year of this administration, that is, the Office of the Sergeant at Arms.

When I assumed this office in June of 1985, I immediately conducted an organizational analysis and review which reflected a very decentralized operation. Further review indicated that there were vast inconsistencies in programmatic and administrative management.

For example, for a period of three to six weeks, Mr. Chairman, a staff member of Senator Ford's office tried to have a damaged printer hood picked up. The Service Department said it was the responsibility of the Computer Center, and the Computer Center said, no, it's the responsibility of the Service Department.

Today, Mr. Chairman, the Senate office would be serviced first, the hood would be picked up, and then the two departments would discuss and decide who would take the responsibility.

Coupled with these findings was a pending FY 86 salary appropriation which was reduced to FY 85 levels.

The mandate which emerged was that of maintaining or increasing levels of service within limited resources. A reorganization plan was developed to implement a centralized organizational structure and thereby strengthen management practices.

Senator WARNER. Mr. Garcia, I am going to ask you to hold up for a minute. We've been joined by two of our distinguished colleagues. The Chairman, Mr. Mathias, has given an opening statement, Mr. Pell being present made several remarks; there was an inquiry by all three present this morning about the situation of the medical services and the changeover from Dr. Carey to Dr. Narva. The Committee staff has been instructed to look into that and advise the Committee on (a) what is the chain of responsibility

from the Navy to the Congress, and (b) the factors leading to the decision to the shift of the senior person.

And now Mr. Garcia is giving a short version of his statement. The statement in full is before you.

Any questions from either gentleman? Thank you for joining us.

Mr. GARCIA. Thank you, Mr. Chairman. This action has eliminated the management inconsistencies, eliminated the need for duplicative administrative and management positions and non-essential functions, and allow for inter- and intradepartmental sharing of resources. And again, Mr. Chairman, for example, the transfer of facsimile pagers and answering machines to telecommunications, the employee handling our accounts payable resigned and did not have to be replaced; telecommunications did not have to add another employee. Another example is the equipment maintenance section in coordination with the Computer Center is cleaning all platens in the Senate. Another example: all sections of the Service Department are cross-training due to the fact that the sections are not busy at the same time. By cross-training employees to perform additional duties in other sections, we provide additional service at a reduced cost and also give employees more of an opportunity for advancement.

The results have culminated in the promotion of greater productivity, cost savings, and more responsive management.

As an example, Mr. Chairman, in the area of telecommunications, accountability for additional telecommunications-related equipment, such as telecopiers, telephone answering devices and pagers, has been transferred from the Service Department. This provides a consolidation of telephone-related or -dependent equipment under one office, thus fostering a concept of direction and purpose hitherto difficult to maintain. All this, by the way—and I underscore this—has been done with no budgetary or personnel increases.

The changes in our organizational structure and resultant reapplication of our resources have not been undertaken lightly. Its implementation has required some extremely difficult decisions regarding personnel. I would like to advise this Committee that numerous administrative remedies were examined as alternatives to displacing a number of individuals and that every effort continues to be made to assist these personnel.

The fact that earlier this year we found it necessary to reduce levels of personnel should in no way be misconstrued to reflect a de-emphasis on the human resources function within the Office of the Sergeant at Arms. To the contrary, Mr. Chairman, during the past six months we have established and implemented personnel policies and procedures which are directly administered and monitored through my executive office to ensure that equality and consistency in personnel administration prevailed throughout the Office of the Sergeant at Arms.

We are in the process of developing a plan for fair and equitable distribution of salary dollars based on standardized position descriptions, qualification standards and performance appraisals. And again, as an example, we are in the process of developing documented job descriptions for all Sergeant at Arms employees. Included in each job description will be a salary range, that is, mini-

mum and maximum salary for that particular job. Salary ranges will be set according to pay scales for similar positions in government and the private sector. Our goal is to eliminate situations whereby an employee's salary far exceeds the market rate for that particular position because he or she has been in the Senate for 25 years, each year receiving cost-of-living and merit increases.

Qualifications standards are being developed for all positions within the Sergeant at Arms to ensure that job vacancies are filled with the appropriate candidates.

Also emphasis has been focussed on improving employee morale. Recognizing that our funds for monetary reward will continue to be constrained in the foreseeable future, we have developed a number of non-fiscal employee-oriented programs geared toward boosting employee morale which will soon be implemented throughout the Office of the Sergeant at Arms. Some of them, for example, are the career Path program, cross-training program, employee grievance board program, employee of the quarter, employee of the year programs.

As we all know, Mr. Chairman, and Members of the Committee, changes are often difficult, and those I have effected in the past year have not been without criticism. Had the option been available to me, it may have been easy to maintain the status quo. The fact is that, due to limited resources and responsibility to provide service to the Senate, this was not, from the very outset, an option.

I feel very strongly that the Office of the Sergeant at Arms today is a much more efficient, cost-effective organization and in a position to provide improved service delivery in a highly productive manner.

Again, as an example, duplicative administrative positions have been eliminated. Cleaning of platens with existing personnel, job descriptions being developed, and justification for new positions.

I would now like to briefly discuss some of the departmental operations and current initiatives in the Computer Center.

As I stated earlier, changes are often difficult. As a result of those changes, there has been misinterpretation, individuals have felt threatened and rumors have been rampant. Changes have been made in the Center out of necessity, Mr. Chairman, and not for the sake of change. Given the levels of funding provided the Center in the past five years and the limited applications and services available to users today, I would strongly suggest that the Center is still in its infancy. We have been receiving funding for state-of-the-art technology and providing inadequate, outdated service. Indeed, with the pending appropriation request of \$30,651,000 funding for expenses in the Center will have exceeded a cumulative one million dollars in the past six years for each senatorial and committee office served by the Center. These increases are directly attributable to the office automation project which has ballooned from an initial estimate of \$12.5 million in fiscal year 1984 to \$48 million in fiscal year 1987.

Would the user community have been better served with direct funding for these programs at this level? One can only speculate. Clearly these cost escalations cannot continue. Thus, improvements in productivity, technology, and service delivery are essential.

In this regard, I am compelled to report to this Committee that the most inhibitive factors to growth and productivity have been the closed environment and control of resources inflicted in the past by this Committee and the Office of the Sergeant at Arms. This isolation from the user community has rendered us unresponsive to Senate users in their desire to acquire better technology.

To remedy this situation, Mr. Chairman, we are pursuing new directions in the Computer Center. Whereas the performances of the past have been costly and far less than satisfactory, there is great potential for increases in productivity and technology without massive increases in funding. And some of those initiatives include:

(1) Acquiring more state-of-the-art technology.

(2) De-emphasizing control over resources and opening up the user environment. For example, we are asking that the supplemental appropriation be spent for priorities on the users themselves, defined, in this letter that I have here—and that I ask be made part of the record—the users asking for laser printers and lap top computers.

(3) Offering more options to users.

(4) Increasing vendor responsiveness to the office automation needs of Members' offices.

In essence, Mr. Chairman, we are changing from a user-control approach to that of user service.

This new approach will acknowledge the growth in user sophistication and allow for steady conservative progress in providing new technology and expanding the numbers of useful applications.

From an organizational standpoint, I would like to clarify some of the changes that have been made and provide for the record the reality of those effects.

First and foremost, there has been no degradation of services. Senate employees are still receiving their checks on time, the CMS continues to produce letters, and the Legislative Information System operates without interruption. We are, in fact, on the verge of announcing several new and enhanced services for the Senate user community, such as laser printer interface, advanced electronic publishing ability, and master electronic mail package. Also the new payroll system will be introduced in the 100th Congress.

Secondly, while there has been a high rate of turnover in the Computer Center, we have taken numerous precautions to assure that our critical areas remain adequately staffed and that there is no disruption in service to the United States Senate. It should be noted that based on exit interviews held with departing employees, it is accurate to say that in nearly all cases the decision to leave was due to attractive offers in the private sector. Thus, while there has been a high rate of attrition in the past year, we have been able to maintain service, rehire on a selective basis consistent with our new direction, and improve the managerial ratio from 1 to 3 to 1 to 7. This is a move in the right direction, Mr. Chairman, but pales in comparison to the industry staffing ratio of 1 to 17.

In the coming year the most pressing issues facing the Center are standardization of communication capabilities in Members' and committee offices, and the provision of office automation in state offices.

As I alluded to earlier, it is extremely important that the full potential of existing systems be evaluated prior to further consideration of piggybacking for additional applications.

The recording studio. As you are aware, Mr. Chairman, the recording studio has been involved for the past six months in a massive effort to produce high quality television pictures of coverage of Senate proceedings. The results of this effort, along with those of many others, including the Architect of the Capitol and this Committee, are obvious when viewing the Senate proceedings on a television set. The product is outstanding and demonstrative of how much can be accomplished in a short period of time when there are cooperative efforts.

It has been necessary to employ thirteen additional temporary personnel during this test period, which are funded through the contingent fund. The Office of the Sergeant at Arms has included funding estimates for those employees in fiscal year 87 on the assumption that the Senate would have approved televised proceedings on a permanent basis—and, as we know, yesterday that did take place.

In our ongoing effort to keep the number of personnel to a minimum, we are cross-training all employees, including those in the recording studio, to enable equipment operation in both facilities.

Telecommunications. We are now in the final stages of contract negotiations for a digital switch procurement. The switching vehicle will be a DMS-100 central office located in the Dirksen garage. This procurement delay has been expensive. In addition to the \$2-million increase in switch procurement, costs necessitated by choosing a regulated service provider rather than a non-tariff PBX vendor, delay in meeting our optimum window of opportunity for a cut over date in December of 1986, have added substantially to our cost. We must continue to pay ever-escalating Centrex rates since our stabilization contract has terminated, currently \$240,000 per month. And the rental charge for our outmoded key telephones has now risen to \$147,000 per month. In addition, moves and changes associated with an election year are estimated to cost about \$400,000.

Moves and changes would have been less than \$40,000 with a new switching vehicle in place, and payments to AT&T for telephone rentals would have been non-existent. The local service charges to C&P would also have fallen dramatically.

While the delay in this procurement has been extremely expensive, the implementation now scheduled during January through August of 1987 will provide savings in telephone expenses of approximately \$1.7 million.

We have revised our pending supplemental appropriation for fiscal year 86 from \$9.1 to \$11.1 million for this procurement.

I would like to briefly address some of the other current initiatives of our telecommunications department.

During the week of May 26, 1986, we installed a new facsimile transmission system to replace the ITT FAXPAC service which closed for business on May 31 of this year. This system provides a centralized telecopier transmission facility operated by the telecommunications department for sending information between the Senate and state offices and other selected recipients.

Use of this system employs the WATS service, both inward from the state offices and outward from Capitol Hill.

Overall economies, ease of operations and control of systems parameters have made this a very attractive networking function.

Significant economies are realized as state offices are added to the system. FTS lines, formerly dedicated to the telecopiers, are replaced with lower-cost commercial lines.

Specifically, Mr. Chairman, FaxXchange operations, the replacement of state office FTS lines dedicated solely to telecopiers with commercial lines provides an approximate net monthly savings of \$200 per line. There are approximately 150 such lines, for a monthly savings of \$30,000.

The Senate paging system upgrade. A study has been conducted indicating the cost-effectiveness of a Senate paging system upgrade along with increased area of coverage. New alpha-numeric pagers and an integration of the present Capitol Hill Police and Sergeant at Arms paging facility will be employed. Cost, manpower, accountability, maintenance and service economies are expected to be resultant from this action.

Specifically, savings in this area are estimated, but will be significant. Of more relevance, however, is the consolidation of services and the increased range in utility of the new system. Users can now have an alpha-numeric readout on their pages; you can silence it if you want to, but still receive a visual message, or you can rely on tone or voice announcements, all within a greater radius of Capitol Hill.

Secure voice operations. The Senate is participating in a National Security Agency secure voice program. We have conducted studies outlining the benefits of joining the Executive Branch in this procurement. Fourteen new STU-III units have been authorized. We have ordered these units through NSA to take advantage of bulk purchase pricing. The cost quoted to us by NSA was about \$2,000 per unit. After the initial NSA procurement, secure voice units will be offered to any buyer outside of the government and to government agencies on a cost-plus basis. We feel that we have made a wise decision on our initial procurement.

The ease of use and greater security of the STU-III units will be most beneficial to the Senate. The initial installation date is scheduled for June-July of next year.

Telecommunications equipment and service consolidation. The transfer of facsimile machines, pagers, telephone answering devices and other ancillary telecommunication hardware was brought about by a study in which overlapping telecommunication responsibilities and services of various departments was suggested for consolidation. The Telecommunications Department was the logical recipient of this transfer. Centralized management, budgeting and control, as well as maintenance and operation economies, have proven to be the results of this accomplishment.

Very quickly, state office operations. The transfer of state office telecommunications responsibilities to this department of October 1, 1985, has had a significantly favorable impact upon the Senators' staffs. We now perform all the coordinating functions with GSA, commercial telephone companies and equipment vendors for placement of all service orders. We also provide a level of technical ex-

pertise which insures that the services provided are operationally and economically sound. Any special requirements which may arise are assessed by this department and unique equipment is engineered as necessary.

In cooperation with the state offices, we are designing new telephone systems replacing outdated equipment with modern electronic systems. To date, 82 new electronic systems have been installed with 16 installations pending. Whenever a new telephone system is designed, the FTS and commercial lines are restructured, if possible, to provide for optimum long-distance services. For example, Senator Simon's Chicago office will receive a new electronic telephone system in August. Long-distance pool lines will be available to all staff members with private long-distance lines for those staff members who conduct long-distance business regularly. Private lines of seven staff members will be restricted from long-distance access, providing a net annual savings of \$16,632.

A percentage of the FTS lines are restricted and/or disconnected where feasible, resulting in considerable savings.

Senator WARNER. Mr. Garcia, if I may interrupt you just for a minute to inquire of my colleagues—I know everyone has a heavy schedule today, particularly our colleague from New Mexico, in view of the Judiciary Committee.

Would this be an appropriate time, if either of you have inquiries to the Sergeant at Arms, questions or other statements to make, because I intend to remain throughout the day, that is, what portion is required to finish this hearing.

Senator DECONCINI. Mr. Chairman, the Senator from Arizona has a number of things I wanted to talk with the Sergeant at Arms about, and, unfortunately, I have the Judiciary Committee meeting at 10 o'clock and I will have to leave shortly. But I will take it up with him.

I want to first say that I think he's done some good things in the state offices, but I am very concerned—and you addressed some of this—about the massive exodus out of the Service Department and the Computer Center, and I had hoped we would have time to discuss whether or not notice was given to these people, what kind of time frame was given. I don't question the right of the Sergeant at Arms to make personnel changes—I think that's his authority and his responsibility, and if he wants to change them, fine. But I do think that there is a manner in which to approach these things, and I am not sure that they were or they were not followed, and I had hoped to get an explanation of that today, but that will have to wait for another time.

Also, in addressing—

Senator WARNER. If the Senator will forbear. I intend to ask specific questions relating to that subject.

Senator DECONCINI. I thank the Senator.

Senator WARNER. So at some point today there will be placed in the record the responses of the Sergeant at Arms.

Senator DECONCINI. I thank the Chairman and I will look carefully at those, and that may suffice for the questions that I had or will have.

The other area that the Sergeant at Arms, Mr. Garcia, has gone over, which somewhat answers my question, is the increase in the

budget for the Sergeant at Arms. Is that spelled out in your statement here? I have the budget analysis here, '82 through '87. And I wonder, you know, the big explanation for the increase from '86 of \$87,119,000 to \$108,000,000 seems like an awful large increase, but there may be some very sound justification for that, and I hope, Mr. Garcia, you will at least put that in the record today or some time to explain that.

Mr. GARCIA. Yes, sir.

Senator DECONCINI. Also I'm interested in knowing, out of curiosity, how many automobiles the Sergeant at Arms has, who has those, how many drivers they have, and how many Senate license plates are issued to the Sergeant at Arms Office.

My concern is who is representing themselves as members of the Senate through that identification—and I don't have any quarrel, I just don't know what it amounts to.

Mr. GARCIA. Be glad to provide that information.

Senator DECONCINI. So, Mr. Chairman, with that I thank the Chairman for letting me just interrupt a moment, and I will have to leave, but I do have some things. I'll either submit the questions or discuss it with Mr. Garcia.

Also, Mr. Chairman, I thank Chairman Mathias for conducting these hearings. I don't know how the Sergeant at Arms budget has slipped away from the Rules Committee, and I am not interested in running that department—I think it runs for the most part well—but I think it is important that we review this budget as we do all the other budgets of the Senate here. And we have let this slip away, and I hope this is the beginning of putting it back into the proper order.

Thank you, Mr. Chairman.

Senator WARNER. The Senator from Hawaii.

Senator INOUE. I thank you very much, Mr. Chairman. I expect to be here another hour, so I will just listen on, sir.

Senator WARNER. We note the presence of our colleague from Colorado, and I ask the witness: At what point are you in your direct presentation?

Mr. GARCIA. I've got two pages left, Mr. Chairman.

Senator WARNER. Then I think we will receive that and allow the Senator from Colorado to testify before the Committee, and then resume with the witnesses for questions.

If you would continue with your direct presentation—which will probably take 5 minutes, Senator Armstrong.

Mr. GARCIA. Thank you, Mr. Chairman. This is on the budget.

The budget for this office in fiscal year '87 was presented to the Subcommittee on the Legislative Branch on June 25 of this year. Our salary estimate reflects a request for a net increase of 78 positions—and this, Senator DeConcini, might answer some of the questions that you have asked. Fifteen positions are for the television coverage provided by the Senate recording studio; thirteen positions are for the administration of the PBX system; and 106 new positions have been requested for security improvements associated with the U.S. Capitol Police—and I might add that this includes the House and the Senate.

The new requests are offset by positions eliminated in the Service Department and the Computer Center.

Our expense request of \$64,620,000 represents a reduction of \$3,104,000 from amounts appropriated and requested via supplements in fiscal year 1986. This figure represents a net reduction and can be partially attributed to the elimination of large non-recurring procurements. The reduction has been partially offset by the annualization of office automation training and equipment as well as monthly expenses still in force due to the delay in the PBX procurement.

In summary, Mr. Chairman, I again want to thank you for this opportunity to discuss the activities of this office and current operations. In order for the initiatives discussed here today to be successfully implemented and completed, there must be a cooperative effort between our respective offices.

In keeping with my duties as an officer of the United States Senate, I wish to offer for your consideration several concrete recommendations I believe will substantially enhance the efficacy of my work in executing the policies issued by this Committee.

In our ongoing work to implement the Committee's policy directives, I, and those who direct departmental operations under my authority are responsible for ensuring the proper expenditure of all funds allocated to my office for this purpose. Inherent in this fiscal responsibility, I believe, is an equally serious charge to procure supplies and services in the most cost-effective and efficacious manner possible. By virtue of statutes, Rules Committee policies, and custom, it has been the responsibility of the Office of the Sergeant at Arms to initiate, negotiate, and finalize all contracts, subject to the approval of the Committee. However, in the more recent past, the Office of the Sergeant at Arms has had little direct control over crucial decisions relative to this responsibility. As the Committee has encroached on the administrative functions, there has been a serious impairment to the desired oversight and accountability roles of our respective offices.

The status quo in the implementation of Committee directives has resulted, at times, in a blurred view of oversight, authority, funding, accountability, and direction. I believe that the responsibilities of the Office of the Sergeant at Arms relative to appropriated funding necessitate direct policy and administrative participation by this office in determining how Committee directives will be implemented. Specifically, I believe that this office and the departments under its authority are responsible for determining the manner, extent and timing in which policies issued by the Committee are to be executed.

To this end, I recommend that written, uniform procedures be established by both the Committee and the Office of the Sergeant at Arms, clearly delineating the duties of all parties. I believe that the Senate would be best served by written procedures of this nature. Such an arrangement would not infringe upon the Committee's authority to determine policy; neither would it alter the Committee's longstanding right to approve or reject any contractual agreement ensuing from an implementation-related decision.

Beyond these points, I would also like to note that departments under my jurisdiction would greatly appreciate it if Committee policies relating to the Senate offices were clearly stated in writing.

Cohesive, binding guidelines in these areas would greatly assist my departments in their day-to-day operations.

Mr. Chairman, and Members of the Committee, this concludes my statement. I would inform you that I have with me today Ms. Trudi Morrison, my deputy, and directors of several departments under the Office of the Sergeant at Arms to assist me in answering your questions.

Thank you very much, Mr. Chairman.

[The following was received for the record:]

United States Senate
Office of the Sergeant at Arms
and Doorkeeper

Fiscal Year 1987

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STATEMENT OF
HONORABLE ERNEST E. GARCIA
U.S. SENATE SERGEANT AT ARMS
BEFORE THE SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS
JUNE 25, 1986

Mr. Chairman and Members of the Committee, I am pleased to meet with you today to discuss the activities of the Office of the Sergeant at Arms.

This is my first appearance before you as the Sergeant at Arms and culminates one year in this position -- a year which has been very demanding but has offered many rewards. In this regard, I would like to thank the Committee for its invaluable guidance and support during the past year.

Before I discuss the particulars of our FY 87 appropriation request, I would like to briefly discuss some of the changes which have occurred in the past year.

Organizational Changes

First and foremost, this office has initiated an on-going process in which the functions, positions and services are being closely examined for the purpose of achieving maximum efficiency and cost savings. This process to date has resulted in several departmental reorganizations and changes in the directorates thereof where warranted by the new direction we are pursuing.

The new direction to which I am referring is born partially out of necessity due to fiscal restraints as well as the need for common sense application of sound management and business principles.

I would like to highlight some of the focal points of our review process.

Last year this Committee recommended that we consolidate our procurement and budget functions. I can now report to you that the functions of personnel, budget, and procurement have been centralized and are now administered through my Executive Office.

The elimination of administrative autonomy in our departments has provided many economies, efficiencies, and improvements in service delivery. I would like to cite some brief examples of these changes and their impact.

- elimination of duplicative and excessive administrative positions
- uniform administrative policies and procedures
- pooling and sharing of resources
- reduction in management layers without decrease in service
- wide-spread competitive procurements

A vivid example of the direct change in overall operations can be offered. It was brought to our attention in the course of our monthly computer user group meetings that printers were dirty and often left idle for lack of proper cleaning. Maintenance contracts for this purpose were prohibitively expensive thus offices were left to their own resources or at the mercy of the three office automation vendors. By utilizing Service Department typewriter maintenance personnel for this purpose, the backlog of complaints was resolved in three weeks at no additional cost to the Senate.

In short, our emphasis is in getting the job done by whatever means are available. As a result, I am compelled to tell you that, overall, morale has increased, despite an internal pay freeze that is nearly a year in duration. The worker-bees, the doers have been elevated to their proper station of importance in our organization. I would be remiss in not informing this committee that the response and resultant performance of the majority of our employees in the face of our numerous organizational and administrative changes, not withstanding fiscal restraints has been outstanding.

The organizational changes are beginning to reflect a positive impact on the expense appropriation. Centralization of the procurement function has resulted in wide-spread competition and cost savings at all levels. I am pleased to report that many of the procurement weaknesses cited by GAO in their review

one year ago have been remedied through the addition of a Procurement Officer who has implemented procedures to assign accountability and assure control. In addition, centralization has also provided for an on-going evaluation of the most efficient means of providing for goods and services, as well as the ability to validate legitimate requirements and verify the quantities necessary.

The on-going reapplication of our resources has not been undertaken lightly and its implementation has required some very difficult decisions regarding personnel. I would like to assure the Committee that every effort has been and continues to be made to minimize the impact on personnel who are affected through these very difficult but necessary actions.

As we all know, changes are always difficult, and those effected in the past year have not been without criticism. I will continue to measure our progress however, by results. To date, we are increasing or maintaining levels of service with fewer employees. I believe that much progress has been made but there is room for improvement. For this reason, we will continue to examine all facets of the organization with the goal of providing increased user access and removing administrative and systematic barriers to the delivery of services.

To this end, another aspect of our on-going review is that of technological assessment. I believe that if we are to keep up with the demand for additional services to the Senate, we need to achieve a better balance in our investments in personnel and technology.

A specific example can be cited in the operations of our Senate Computer Center. A review of the organization revealed that the supervisory ratio in the largest division was 1:3 in contrast with the industry standard of 1:17. While the new management in the Center has increased this ratio to 1:7 we expect to continue the reduction of managerial layers through the pursuit of new technology.

This philosophy is reflected throughout the budget request before you. It should be noted however that a large portion of our expenditures for hardware are a direct result of office automation contractual agreements, some of which are three years in duration and thus, beyond the administrative control of this office.

By taking advantage of existing and future technology with the added benefit of depreciating costs, and avoiding the inflationary costs of additional personnel, we will continue to increase service while controlling costs.

I would like to now briefly discuss some of the major issues contained in our current request.

Issues

Telecommunications - Procurement of PBX Switch

As you are aware, the Committee on Rules and Administration recently awarded a contract for the procurement of the PBX (Private Branch Exchange) switch. Our original pending estimate

provided for the Committee was 9.1 million dollars. It appears now that this procurement will total 11.1 million dollars, an increase of 2 million dollars.

As a result of the delay in this procurement, we have and continue to incur costs for monthly telephone service well beyond the time that previous budget estimates had presumed. In addition, several rate increases have been effected during this time frame. It is therefore necessary that an additional supplemental appropriation in the amount of \$3,027,000 be requested.

United States Capitol Police

Funding and positions are requested in FY 87 for a number of new initiatives of the United States Capitol Police.

Security Enhancement Proposal (1,114,000)

Security enhancement measures developed jointly by the House and Senate Whips include a requirement for 87 additional Capitol Police personnel to staff newly created security posts and increase the explosive detection capability of the police canine corps. Fifty-six of the total positions required are for the Senate portion of joint House/Senate operations or are specifically earmarked for new security measures in the Senate Office Buildings.

CCTV/Intrusion Detection System Upgrade (\$790,000)

Funding is requested (\$790,000) to provide personnel necessary to staff new requirements created by modernization of the Closed Circuit Television and Electronic Intrusion Detection Systems. In the aftermath of the 1983 bombing in the Senate Wing of the Capitol, approximately \$2,000,000 was appropriated to the Architect of the Capitol for expansion and upgrading of electronic security systems. According to a consultant's study, 73 additional police personnel will be required to staff the new system, which is scheduled to be completed and on line during fiscal year 1987. Since this is a joint House/Senate operation, the Senate's portion would be approximately half of the total number required or 37 positions.

Protective Services (\$388,000)

We are planning the establishment of four protection teams to be utilized for providing close personal security for threatened Members of Congress, visiting dignitaries, Congressional functions in the surrounding area and other parts of the country. Personal protection demands have increased steadily in recent years due to threats of violence from both domestic and international sources. The Capitol Police has singular responsibility for protection of Members of Congress.

Heretofore, personnel needed for protection assignments were obtained by stripping manpower from security assignments in and around the House and Senate Chambers. This practice not only jeopardizes the security of these two key locations, but prevents the Capitol Police from correctly staffing vital protective assignments to the proper level and inhibits the systematic development of the personal protection function. A total of 25 additional personnel are needed to correctly staff this joint House/Senate operation, 13 of which have been earmarked for assignment to the Senate payroll.

Funding is also requested for pay increase proposal.

Pay Increase Proposal (\$1,701,000)

Salary increase for Capitol Police personnel in the rank of Lieutenant and below to bring salary levels up to par with other area law enforcement agencies and to curb the high attrition rate. The Capitol Police attrition rate has jumped from 4.4% in 1982 to a current rate of 18%. Exit interviews indicate that the most significant factor contributing to this dramatic turnover increase is a lack of pay parity with other law enforcement agencies. A study of nine law enforcement agencies in the metropolitan area revealed that Capitol Police privates have the lowest starting salary, are ranked seventh after five years of service, and fall back and remain the lowest paid after ten, fifteen and twenty years of service. Our best officers (newly trained, young and fit) are being recruited out from under our noses by other federal agencies and local departments who offer higher pay and better benefits.

Summary

The salary request for fiscal year 1987 is \$43,602,000. While I have made every effort to limit the increase in personnel positions, a number of new program initiatives will require additional staffing. We are requesting 15 new positions for television coverage of Senate proceedings, 13 positions for the administration of the PBX systems and 106 new positions for security improvements associated with the U.S. Capitol Police. These additions are partially offset by the reduction of 56 positions eliminated in the Service Department and Senate Computer Center. - Our request reflects a net increase of 78 positions. The overall increase will also allow for overtime payments and protective details, as well as pay increases proposed for the Capitol Police. The amount will also allow for modest merit increases for employees, most of which have not received any increases in over a year.

Our expense request of \$64,620,000 represents a reduction of \$6,131,000 from the total amounts appropriated and requested via supplementals in fiscal year 1986. The figure represents a net reduction and can be partially attributed to the elimination of amounts requested in FY 86 for large non-recurring procurements. The amount of this reduction has been offset by the annualization of office automation training as well as monthly expenses still in force due to the delay in the PBX procurement.

Mr. Chairman, this concludes my statement. I wish again to thank the Committee for its guidance, understanding and support, and will be pleased to answer any questions you may have

Office of the Sergeant at Arms and DoorkeeperContingent Fund of the Senate

<u>Item</u>	<u>Fiscal Year 1987 Request</u>
Executive Office	7,525,000
Computer Center	30,651,000
Facilities and Financial Management ...	980,000
Telecommunications Department	21,271,000
Service Department	3,814,000
Administrative Accounts:	
Travel	167,000
Consultants	210,000
Services	<u>2,000</u>
Total	64,620,000

Salaries, Officials and Employees

Office of the Sergeant at Arms and Doorkeeper 43,602,000

TOTAL [#] 108,222,000.00

AND DOLLARKEEPER
(IN THOUSANDS OF DOLLARS)

SALARIES, SUMMARY	FY 86	FY 87	INCREASE/DECREASE
FY 1986 Positions	36,358		
Estimated Sequestration	-1,563		
Revised FY 86 Allocation	34,795	34,795	
Requested New Positions		311	+ 311
Annualization of FY 86 Positions		1,042	+ 1,042
Salary Administration		1,069	+ 1,069
Longevity Costs		139	+ 139
Protective Details (Overtime)		1,500	+ 1,500
Pay Increase Proposal		1,701	+ 1,701
New Positions (117) (USCP)		2,292	+ 2,292
Pay Increases		318	+ 318
Temporary Employees		435	+ 435
Total FY 87 Request		43,602	+ 8,807

EXPENSES	FY 86	FY 87	INCREASE/DECREASE
Executive Office	6,527	7,525	+ 998
Facilities and Financial Mgmt	634	980	+ 346
Senate Computer Center	29,845	30,651	+ 806
Telecommunications	29,300	21,271	- 8,029
Service Department	4,066	3,814	- 252
Subtotal	70,372	64,241	- 6,131
Consultants	210	210	-
Seminars	2	2	-
Travel	167	167	-
TOTALS	70,751 ¹	64,620	- 6,131

SUMMARY	FY 86	FY 87	INCREASE/DECREASE
Salaries	34,795	43,602	+ 8,807
Expenses	70,751	64,620	- 6,131
TOTALS	105,546	108,222	+ 2,676

¹ Includes the revised pending supplemental request of \$11,100,000 and supplemental for \$-127,000 for monthly expenses.

B-2

A. Executive Office

*see Page B-20*1. Organization

The Executive Office consists of the Sergeant at Arms and his principal assistants.

- a. Deputy Sergeant at Arms - Serves as the Sergeant at Arms during his absence and assists, as directed, the Sergeant at Arms in performing all of his responsibilities.
- b. Administrative Assistant - Serves as the Office's budget officer and performs other management projects as assigned.
- c. Executive Assistant - Provides direction to the Senate doorkeepers and serves as the representative of the Minority within the Office of the Sergeant at Arms.
- d. Special Assistant - Organizes and implements the Senate Seminar programs and performs other duties as directed.
- e. Director, Human Resources - Oversees all personnel functions of the Office and supervises the Senate Placement Office.
- f. State Office/GSA Liaison - Coordinates and oversees support services provided to State Senatorial offices.

2.	<u>Salaries</u>	1986	(100)	2,065
		1987	(100)	2,515

No additional positions are requested for the Executive Office in FY 1987. Funds are requested herein for merit pay and salary administration, as well as a restoration of amounts sequestered.

3.	<u>Expenses</u>	1986	6,527
		1987	7,525

This account is maintained for the payment of office leases in home state offices as well as mobile offices, furniture and furnishings, and space alterations. Amounts requested for fiscal year 1987 are broken down as follows:

Federal Space: The proposed FY 87 budget request was \$4,386,000. However, GSA has stated that due to a 15% reduction in rental rates, the cost to the Senate in FY 87 for the rental of space in federal buildings for those state offices currently located in such will be \$3,733,000.

Commercial Space: The proposed FY 87 budget request was \$2,571,000. Due to the recent trend of movement from federal to commercial office space, this figure increased by \$500,000 to \$3,071,000.

Mobile Offices: The proposed FY 87 budget request was \$128,000. Due to an increase in requests for mobile offices, this figure is increased by \$149,000 to \$277,000.

Furniture and Furnishings: The proposed FY 87 budget request was \$341,000.

Effective October 1, 1986, the Sergeant at Arms will be required to fund 100% of the requests for state office furniture and furnishings. In addition, the Sergeant at Arms will be required to reimburse GSA for the unpaid balance of those funds spent by GSA prior to 10/1/86 for the purpose of purchasing Senatorial state office furniture and furnishings. That unpaid balance is estimated by GSA to be as of 10/1/86 approximately \$700,000.

Based on a review of previous years' expenses for furniture and furnishings and taking into account the increase in monies allocated for state office furniture and furnishings as established by the enactment of PL99-88, \$200,000 should be sufficient to cover the costs incurred by the Sergeant at Arms in purchasing state office furniture and furnishings during FY 87.

In addition, \$56,000 should be requested in the FY 87 budget for use in paying an 8% depreciation cost on the \$700,000 owed GSA for the purchase of furniture and furnishings prior to 10/1/86. (Please Note: This request for \$56,000 may not be required if the unpaid balance on those items of furniture and furnishings purchased by GSA prior to 10/1/86 is paid-off for the sum of \$1.00)

"Expense items" - drapery, carpeting, desktop items, etc. - are not included in the furniture/furnishings category but are billed to the Senate on a quarterly basis by GSA. This method of operating will remain unchanged after 10/1/86. Based on FY 85 figures, the cost of purchasing "expenses items" through GSA for Senatorial state offices during FY 87 should be \$100,000.

Therefore, \$356,000 (\$200,000 for new furniture and furnishings purchases, \$56,000 for the 8% depreciation cost on prior furniture and furnishings purchases, and \$100,000 for "expensed items") should be requested in the FY 87 budget for this program.

Alterations:

the proposed FY 87 budget request was \$80,000. Due to an increase in the number of state offices as well as requests for added security, this figure should be increased by \$8,000 to \$88,000.

B. Computer Center

*See page B-21*1. Organization

The Computer Center provides information services to the Senate in support of its legislative business, policy analysis, office administration, and constituent responsibilities. The Center continuously evaluates the information needs of the Senate to ensure that the appropriate technology is provided to obtain, analyze, manage, and disseminate information. In the upcoming year, the Center will take on a new focus in facilitating the movement of new computer technologies into Senate offices. In order to accomplish this mission, the Computer Center is currently organized into three divisions as follows:

- a. Educational Services and Support - This division provides Senate staff with a comprehensive orientation to the various automated systems that are available, teaches the skills necessary to operate these systems, provides day-to-day support for system utilization, and coordinates user requests for system enhancements.
- b. Applications Development Division - This division provides system analysis, design, and programming necessary to support the ongoing as well as future needs of Senate members, committees, and officers in the areas of legislation, investigations, survey analyses, and computer graphics. In addition, the division provides analytical and programming support in the areas of official record keeping, automated publications, on-line indexing and Senate mailing systems.
- c. Computer and Communications Facilities - This division provides engineering and operation of the Senate computers and its data communications network. It maintains the operating system software and other software packages, evaluates and tests new software, and identifies and corrects operational breakdowns or bottlenecks. The division also plans, develops, and implements an automated mechanism for transferring information between a Senate office on Capitol Hill and a state site.

2. <u>Salaries</u>	1986	(230)	6,466
	1987	(203)	7,414

As a part of the new mission of the Computer Center, there will be some realignment of responsibilities within the divisions. This will result in a reduced staffing level requirement (FY 86 level of 230 to FY 87 level of 203). There will be, however, an increased funding level to allow for an effective salary administration program and to provide funding to fill some of the vacancies which made possible the reduced FY 86 rate of \$6,466,000 (down from the original level of \$7,414,000).

The past several years have seen a major shift in priorities for providing service to the users. At first, with the introduction of office systems in the Senate and now with the intent to provide additional computing capabilities to the end-users, these priorities will continue to be refined. A staffing level appropriate for these service priorities and the necessary funds to maintain this staff are the basis for the Computer Center's salary request.

3. Expenses

Administration	1986	\$ 741
	1987	\$ 1,135
Committee Computers	1986	\$ 3,579
	1987	\$ 5,585
Office Automation	1986	\$11,391
	1987	\$12,926
State Offices	1986	\$ 1,688
	1987	\$ 2,166
Computer Systems	1986	\$ 2,261
	1987	\$ 3,480
Systems and Terminals	1986	\$ 5,385
	1987	\$ 5,359
Office Automation - FY85 Carryover	1986	\$ 4,800
	1987	-
TOTAL	1986	\$29,845
	1987	\$30,651

There are numerous ongoing programs which require funding in FY 87. These include supporting existing facilities along with planned upgrades, such as the third year upgrade of the computing capacity. In addition, continuation of the CMS contract, rental of terminals and terminal-related systems, and state office communications require continued funding in FY 87. Although the office automation program in member offices has stabilized for now, there is

ongoing activity in providing enhanced computing capabilities to Senate committees, and there will be efforts to newly elected Senators in FY 87.

In the Office Automation/Committee System request, the increase is due to the annualization of major systems installed during FY 86 and the continuation of paying the vendors for user support, which was funded in FY 86 by FY 85 "carryover" funds.

The increase for Computer Systems and Administration is associated with the planned increase in computing capacity and the acquisition of new and improved software tools to facilitate the move to more end-user access to computing power. Furthermore, additional pilot tests and special systems, such as an optical disk storage system for the Secretary of the Senate, are funded in FY 87. Finally, the lease at 400 North Capitol Street expires, and a potential rate increase is projected.

The State Office program includes a contingency for a rate increase, expanded use of services, such as Telenet and Tymnet, and some limited equipment upgrades to allow for some higher speeds of data transmission between the state sites and Capitol Hill.

Although there will be growth in our communication network, the office automation systems will continue to replace the previously installed computer terminals, leading to a net reduction in this program.

Finally, there is no change projected for Computer Center travel or the use of consultants for professional services.

4. Policy Items

There are a number of potential items which could be authorized for use in the Senate. No funding has been requested for these programs because estimates will not be available until the magnitude of the items has been defined. These items include the following:

- o Additional equipment for existing state offices and/or expansion to additional sites per member;
- o Microcomputers in members offices;
- o Expanded use of microcomputers in committee offices;
- o Laser printers; and
- o Replacement software and/or facilities for CMS.

Furthermore, there are current members with office automation systems who will not be returning after the election. Since these systems are being acquired under three year leases, there may be cancellation costs associated with any attempted return of the systems to the vendors.

C. Capitol Police *see page B-22*

Original FY 87 budget estimates for the Capitol Police were submitted in August of 1985. During the intervening months, developing security programs and other factors have created a need to revise original estimates upward.

a. Security Enhancement Package

Funding for the Security Enhancement Package has been included in the Supplemental Appropriations Bill for fiscal year 1986, including a recommendation for FY 87 additional Capitol Police personnel. New positions earmarked for enhancements effecting both the House and Senate have been divided equally between the two bodies. However 27 of the positions requested are slated to provide for security improvements in the Senate Office Buildings. Consequently, 56 of the 87 additional officers requested will have to be included on the Senate payroll, at a projected cost of \$1,114,844 at present pay levels and \$1,282,844 if the pay increase is approved.

b. Improved Protective Services Capability

Earlier this year a request for additional protective services personnel was submitted to enable the Department to provide improved direct, personal security for threatened members of Congress, without diminishing the present level of security provided for the House and Senate Chambers. The proposal called for the establishment of four protection teams comprised of one sergeant and five detectives each. One position of lieutenant was included in the request for command and control purposes. The 25 additional positions requested have been again divided between the House and Senate payrolls. Thirteen of the total positions have been earmarked for the Senate payroll at a cost of \$387,537 at current pay levels and \$426,537 if the pay increase is approved.

c. CCTV Complex Upgrade

In the aftermath of the November 1983 bombing in the Senate Wing of the Capitol Building, the Architect of the Capitol moved forward a proposal to upgrade the Closed Circuit Television and Intrusion Detection Systems, and ultimately received approximately \$2,000,000 to accomplish the task. The new system will require additional operators on an around-the-clock basis, creating additional personnel need for the Department. It is estimated that 73 positions in addition to those presently allocated to the system will be needed, half of which should be included on the Senate payroll. The projected additional personnel cost of this program is \$790,071 at current pay levels and \$901,071 if the pay increase is approved.

d. Proposed Salary Increase

The House Subcommittee on Legislative Branch Appropriations has included \$1,846,000 in the FY 87 bill to provide a \$3,000 pay increase for members of the United States Capitol Police on the House payroll in the rank of Lieutenant and below. To ensure that all police personnel are equally compensated, a similar provision is needed for members of the Department on the Senate payroll. The cost of providing a \$3,000 pay increase for personnel on the Senate payroll in the rank of Lieutenant and below is \$1,701,000.

e. Summary

The following is a summary of both current personnel funding needs and needs resulting from new programs:

	Present Salary Level	Proposed Salary Level
Currently Authorized Positions	\$17,160,032	\$18,861,032
Security Enhancement Package	1,114,844	1,282,844
CCTV Complex Upgrade	790,071	901,071
Protective Services	<u>387,537</u>	<u>426,537</u>
TOTAL	\$19,452,484	\$21,471,484

Summaries detailing costs associated with the new programs referenced above have been appended to this document for review and information.

UNITED STATES CAPITOL POLICE
SENATE PERSONNEL BUDGET SUMMARY

JUNE 16, 1986

<u>Current Positions</u>	<u>Authorized</u>	<u>Cost</u>	<u>Total</u>
Deputy Chief	1	60,272	
Inspector	5	248,073	
Captain	8	346,131	
Lieutenant	16	590,890	
Sergeant	61	1,878,236	
Detective	10	288,203	
Technician/Plainclothes	41	1,111,928	
Private First Class	377	9,454,051	
Private	62	1,263,058	
Security Aide	30	419,190	
Subtotal		15,660,032	
Estimated Overtime		1,500,000	
Current Program Total	611		17,160,032
* Proposed Pay Increase			1,701,000
 <u>New Program Positions</u>			
Lieutenant	2	73,470	
Sergeant	8	244,208	
Detective	10	289,750	
Technician/K-9	6	164,544	
Private	80	1,520,480	
New Program Total	106		2,292,452
* Proposed Pay Increase			318,000
Grand Total	717		21,471,484

* Proposed pay increase for sworn personnel in the rank of Lieutenant or below.

D. Facilities and Financial Management *see page B-23*1. Organization

The sections and functions of this department are described below.

Accounting Office - This office is primarily responsible for the control and financial reporting requirements for funds appropriated to the Sergeant at Arms. Other responsibilities of this office include: procurement and inventory of furniture and furnishings for the Capitol Building; travel and training authorizations and payments; Congressional tags; the Barber Shop Revolving Fund; the Automobile and Maintenance account; procurement and payment of Miscellaneous Official Expenses; and coordination of services relative to Presidential inaugurations and funerals.

The Cabinet Shop - This office is staffed by expert craftsmen who build, restore, and repair furnishings in the Capitol Building which include Chamber furniture that is manufactured, finished and upholstered. This shop also provides picture framing service to Members of the Senate as well as as a lock and key service for the Capitol offices and furniture.

Parking Office - The basic responsibilities of the Parking Office are to administer a system of parking allocation procedures for Senate staff and to utilize available space to the maximum extent possible.

Hair Care Services - This unit consists of three hair care facilities. Two salons are operated by private contractors and the Senate Barber Shop is staffed by Senate Employees while administered through a revolving fund. All of the facilities are open to the public.

Custodial Services - This unit is responsible for cleaning and maintaining the Senate wing of the Capitol Building, moving furniture and general housekeeping services for conferences and hearings.

2. <u>Salaries</u>	1986	(131)	2,655
	1987	(131)	2,800

No additional positions are requested for Facilities and Financial Management in FY 87. Funds are requested herein for merit pay and salary administration.

3. <u>Expenses</u>	1986	634
	1987	980

A net increase in funding is requested in the amount of \$46,000. Provided below is a general description of each program under Facilities and Financial Management and an explanation of any requested increases.

<u>Cabinet Shop</u>	1986	54
	1987	65

This office provides for the purchase of materials and supplies for the construction and repair of furniture for Senate Capitol offices including the Senate Chamber, picture framing and lock and key service.

An \$11,000 increase is requested to cover projected costs of materials and an anticipated higher demand on this facility due to the Senatorial election year.

<u>Custodial Services</u>	1986	140
	1987	140

This account supports the housekeeping and janitorial service provided the Senate wing of the Capitol Building. Services provided include bottled water, firewood, linen services, trash removal, pest control, and lavatory and maintenance supplies.

Furniture and Furnishings

	1986	235
	1987	245

This program is for the procurement of items such as office and occasional furniture, carpeting, and draperies for Capitol offices.

An increase of \$10,000 is being requested to prepare for anticipated refurbishing resulting from a Senatorial election year.

Miscellaneous Official Expenses

	1986	70
	1987	370

This amount represented is to provide support to offices/departments under the jurisdiction of the Sergeant at Arms that have no annual expense allowance. This amount also provides funding of the seminar programs for the professional development of Senatorial staff including an orientation program. Finally, the amount of \$300,000 is estimated in FY 87 for supplies and maintenance of the equipment used to televise the Senate.

<u>Supplies</u>	1986	25
	1987	25

This amount covers the purchase of stationery and other office supplies for the Administrative Office, Facilities and Financial Management, and those internal offices and departments that do not have an annual expense allowance.

Photographic Services

	1986	10
	1987	10

Photographic Services include expenses related to the photography of interdepartmental award ceremonies, Presidential visits, Heads of State, orientation and seminar programs and historical functions within the Senate.

Automobiles and Maintenance

	1986	100
	1987	125

Under the authority of PL 99-88. Section 192, dated August 15, 1985, funds are appropriated for the purchase lease, exchange, maintenance and operation of vehicles provided to Members of the Leadership and Elective Officers of the Senate for their exclusive use, including the Financial Clerk, the Attending Physician, and all service related vehicles assigned to the Sergeant at Arms.

This account was last increased in 1985. The requested increase for FY 87 is in the amount of \$25,000 and is for the purpose of offsetting rising costs of maintenance and lease rates.

E. Photographic and Recording Studios

see page B-24

1. Organization

A dramatic change has occurred in the Senate Recording Studio -- the televising of Senate proceedings. While this function is currently in a test phase, we anticipate approval on a permanent basis and have budgeted accordingly in fiscal year 1987.

The Senate Photographic and Recording Studios were consolidated in 1981 and are funded with the exception of salaries, by a revolving fund which is supported in full by user fees charged to Members.

While there will be maintenance and supply costs associated with televising the Senate proceedings, they have been budgeted for within the line item "Department of Facilities and Financial Management".

2. Salaries

Recording Studio	1986	(16)	636
	1987	(31)	1,101
Photographic Studio	1986	(15)	370
	1987	(15)	410

We are requesting an additional 15 positions for the function of televising the Senate proceedings on a permanent basis at an annual cost of \$394,000. No additional positions are requested nor are any major changes anticipated in the ongoing function of these offices.

F. Senate Post Office *see page B-25*1. Organization

The Senate Post Office receives all Senate mail, passes it through x-ray machines, sorts and distributes the mail. It also maintains a riding page service for the delivery of mail to specific locations in the Washington D.C. area. Further, it maintains a small post office which allows Members and staff to buy stamps and mail packages.

2. <u>Salaries</u>	1986	(61)	1,094
	1987	(61)	1,148

G. Telecommunications *see page B-26*1. Organization

The Telecommunications Department provides the Senate with local and long-distance telephone service, and assures 24 hour centralized operator support for both the Senate and House of Representatives. The department acts as liaison with 378 state offices, determines telecommunication policies and procedures, researches cost-effective telecommunication alternatives for antiquated equipment and negotiates for replacement systems.

This liaison function has taken on added importance due to the break-up of AT&T. The department further maintains direct contact with all the major common carriers such as AT&T, BOC's, ITT, MCI, as well as the Federal Telecommunications System to ensure that all subscribers have the most effective, flexible response and economical telephone service possible.

2.	<u>Salaries</u>	1986	(34)	866
		1987	(47)	1,332

The requested increase is needed for administrative and maintenance of personnel to be hired in support of the on-site switching facility operation. This sum anticipates a 5% salary accretion for present personnel and salaries for 13 new employees.

3.	<u>Expenses</u>	1986	29,300
		1987	21,271

The drastic decrease reflected above is resultant from two major initiatives of this department:

a. Procurement of an on-site Telephone Switching System

Our current request pre-supposes funding of a switching facility in FY 86, with resulting moderate costs for continuing local service. A three-year short-term payback is anticipated.

Aside from the relatively short amortization period, the following additional benefits will accrue:

- expensive key equipment will be replaced by more effective and esthetically pleasing electronic/digital/data read units.
- moves and changes will be effected by computer keyboards.
- new lines can be added at no cost up to 10,114 stations.
- the system will provide a real-time inventory, bill verification, call detail recording, cost allocation, problem tracking, and traffic analysis data.

In summary, an on-site telephone switching facility will provide state-of-the-art service at greatly reduced cost. This procurement was approved by the Senate Rules Committee on April 22, 1986.

b. FTS and Local Service in State Offices

Although an actual increase is necessary to provide required telecommunication services for approximately 100 Senate FTS lines affected by the closing of GSA facilities serving remote areas and the update of 126 other state office telecommunications systems that may be affected by the November 1986 elections, true cost containment is anticipated in the centralized management and procurement of state office services over the long term.

4. Organizational Changes and Major Departmental Issues

a. Changes

On April 1, 1986, the Telecommunications Department assumed the responsibility for facsimile equipment currently installed in Washington and in 370+ state offices. This transfer also included a modest number of phone answering devices, and the Senate Paging System.

b. Issues

Outstanding are three major issues:

- Employment of 13 personnel (7 in FY 86 and 6 in FY 87). Funding is programmed for FY 87 but FY 86 hiring funds must be extracted from the consolidated Sergeant at Arms budget.
- Purchase and installation of a FaxXchange system to replace the ITT Faxpak facsimile transmission service which closes on May 31, 1986. Approval for this purchase was given by the Rules Committee on April 12, 1986.
- Senate determination of Secure Voice Equipment for procurement purposes has been requested by the National Security Agency. They have asked for our letter of intent by May 16, 1986, so that we may be included in their initial procurement program.

H. Service Department

see page B-27

1. Organization

The Service Department is chartered to: a) provide production services for graphic arts (i.e., pre-press, printing, folding, addressing, and micrographics; b) acquire, allocate, account, and maintain authorized office equipment; and c) store and distribute bound documents published for the Senate under the auspices and at the direction of the Joint Committee on Printing.

In order to provide these services to the Senate, the Service Department is organized into two divisions:

- a. The Reprographic Division, which is responsible for the production aspects of the Service Department charter.
- b. The Equipment Division, which provides procurement, maintenance, storage, transportation, and supply services.

2. <u>Salaries</u>	1986	(188)	4,488
	1987	(164)	4,660

We are requesting personnel funding for a reduced work force consisting of 164 full-time positions plus a limited third shift operation consisting of 15 temporary positions.

The third shift operation is dedicated to the processing of mail as Carrier Route Sort. This is a more labor-intensive process than is Third Class Zip Sort since the mail must be broken down to each mailbox on every carrier route within a zip code. However, at 8.3 cents per piece in postage for Carrier Route Sort as opposed to 10.1 cents per piece in postage for Third Class Zip Sort, the savings realized have proven substantial. In fact, during the first nine months of its existence, the CRS Program has saved the Senate over \$1,000,000 in postage costs.

3. <u>Expenses</u>	1986	4,066
	1987	3,814

Due to a transfer of facsimile equipment to our Telecommunications Department, the adjusted Service Department budget for FY 87 is \$250,000 less than the FY 86 budget. This reduction in expense monies is being achieved without a corresponding reduction in the services offered. On the contrary, our Service Department is now providing the Senatorial offices with additional services, such as the printing of missing children biographies on franked envelopes as well as a computer system maintenance program.

I. News Media Galleries *See page B-28*

1. Organization

News Media Galleries serve as a liaison between the Senate and accredited newspaper, magazine and broadcasting correspondents. Galleries provide facilities for accredited correspondents to cover activities of Congress. Under the direction of the Committee on Rules and Administration the Sergeant at Arms administers the operation of these galleries.

2. Salaries

Press Gallery	1986	(6)	251
	1987	(6)	267
Periodical Press	1986	(2)	96
	1987	(2)	105
Radio-TV	1986	(6)	242
	1987	(6)	256
Press Photo	1986	(3)	115
	1987	(3)	123
TOTAL	1986	(17)	704
	1987	(17)	751

There are no major changes or additional personnel planned in FY 87.

J. Administrative Accounts

1. Travel	1986	167
	1987	167
2. Consultants	1986	210
	1987	210
3. Seminars	1986	2
	1987	2

No additional funding is requested in FY 87.

AND DOLLAR
(IN THOUSANDS OF DOLLARS)

SALARIES, EXECUTIVE OFFICE	FY 86	FY 87	INCREASE/DECREASE
FY 1986 Positions	2,253		
Estimated Sequestration	- 188		
Revised FY 86 Allocation	2,065	2,065	
Annualization of FY 86 Positions		223	+ 223
Salary Administration		227	+ 227
Total FY 87 Request		2,515	+ 450

EXPENSES	FY 86	FY 87	INCREASE/DECREASE
Federal Space	3,700	3,733	+ 33
Commercial Space	2,502	3,071	+ 569
Mobile Offices	193	277	+ 84
Furniture/Furnishings	52	356	+ 304
Alterations	80	88	+ 8
TOTALS	6,527	7,525	+ 998

NARRATIVE SECTION A

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(IN THOUSANDS OF DOLLARS)

<u>SALARIES, SENATE COMPUTER CENTER</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	7,414		
Estimated Sequestration	- 948		
Revised FY 86 Allocation	6,466	6,466	+ 497
Annualization of FY 86 Positions		497	+ 279
Salary Administration		279	+ 172
Temporary Employees		172	+ 948
Total FY 87 Request		7,414	

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<u>EXPENSES</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
Administration	741	1,135	+ 394
Committee Computers	3,579	5,585	+2,006
Office Automation	11,391	12,926	+1,535
State Offices	1,688	2,166	+ 478
Computer Systems	2,261	3,480	+1,219
Systems & Terminals	5,385	5,359	- 26
Subtotal	25,045	30,651	+5,606
Office Automation	4,800	-	-4,800
TOTALS	29,845	30,651	+ 806

NARRATIVE SECTION B

23

B-22

(IN THOUSANDS OF DOLLARS)

<u>SALARIES, CAPITOL POLICE</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	15,451		
Estimated Sequestration		15,451	
Revised FY 86 Allocation	<u>15,451</u>	70	+ 70
Annualization of FY 86 Positions		139	+ 139
Longevity Costs		1,500	+1,500
Protective Details (Overtime)		1,701	+1,701
Pay Increase Proposal		2,292	+2,292
New Positions (117)		318	+ 318
Pay Increase		<u>21,471</u>	<u>+6,020</u>
Total FY 87 Request			

NARRATIVE SECTION 2

(IN THOUSANDS OF DOLLARS)

SALARIES, FACILITIES AND FINANCIAL MANAGEMENT FY 86 FY 87 INCREASE/DECREASE

FY 1986 Positions	2,669		
Estimated Sequestration	- 14		
Revised FY 86 Allocation	2,655	2,655	
Salary Administration		145	+ 145
Total FY 87 Request		2,800	+ 145

EXPENSES

FY 86 FY 87 INCREASE/DECREASE

Cabinet Shop	54	65	+ 11
Custodial Services	140	140	-
Furniture/Furnishings	235	245	+ 10
Misc Official Expenses	70	370	+ 300
Supplies	25	25	-
Photographic Services	10	10	-
Automobiles & Maintenance	100	125	+ 25
Subtotal	634	980	+ 346
Consultants	210	210	-
Seminars	2	2	-
Travel	167	167	-
TOTALS	1,013	1,359	+ 346

NARRATIVE - SECTION D

B-23

(IN THOUSANDS OF DOLLARS)

SALARIES, PHOTOGRAPHIC STUDIO

	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	390		
Estimated Sequestration	- 20		
Revised FY 86 Allocation	<u>370</u>	370	
Annualization of FY 86 Positions		20	+ 20
Salary Administration		20	+ 20
Total FY 87 Request		<u>410</u>	+ 40

NARRATIVE

SECTION E

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69

AND DOORKEEPER (IN THOUSANDS OF DOLLARS)		
SALARIES, POST OFFICE	FY 86	FY 87
FY 1986 Positions	1,094	
Estimated Sequestration	-	
Revised FY 86 Allocation	1,094	1,094
Salary Administration		54
Total FY 87 Request		1,148
		+ 54
		+ 54

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NARRATIVE | SECTION F

(IN THOUSANDS OF DOLLARS)

28

<u>SALARIES, TELECOMMUNICATIONS</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	672		
Estimated Sequestration	+ 194		
Revised FY 86 Allocation	866	866	
Requested New Positions		228	+ 228
Annualization of FY 86 Positions		195	+ 195
Salary Administration		43	+ 43
Total FY 87 Request		1,332	+ 466

<u>EXPENSES</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
Administration	155	145	- 10
Capitol Offices	8,779	13,874	+ 5,095
State Offices	6,239	7,252	+ 1,013
PBX (Supplemental)	11,100 ¹	-	-11,100
Supplemental Required	3,027 ²	-	- 3,027
TOTALS	29,300	21,271	- 8,029

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- 1 Pending supplemental revised from 9.1 million to 11.1 million for PBX.
- 2 Supplemental now requested for monthly expenses.

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(IN THOUSANDS OF DOLLARS)

<u>SALARIES, SERVICE DEPARTMENT</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	5,038		
Estimated Sequestration	- 550		
Revised FY 86 Allocation	4,488	4,488	
Requested New Positions		- 311	- 311
Salary Administration		220	+ 220
Temporary Employees		263	+ 263
Total FY 87 Request		4,660	+ 172

<u>EXPENSES</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
Office Equipment - Washington	1,620	1,563	- 57
Office Equipment - State	1,257	980	- 277
Packaging & Flag	34	40	+ 6
Bulk Printing & Mail	535	558	+ 23
Job Shop	373	397	+ 24
Pre-Press	100	111	+ 11
Micrographics	129	139	+ 10
Administration	18	26	+ 8
TOTALS	4,066	3,814	- 252

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NARRATIVE SECTION #

(IN THOUSANDS OF DOLLARS)

<u>SALARIES, PRESS GALLERIES</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	704		
Estimated Sequestration	-		
Revised FY 86 Allocation	<u>704</u>	704	
Salary Administration		<u>47</u>	+ 47
Total FY 87 Request		<u>751</u>	+ 47

NARRATIVE

SECTION I

8-28

(IN THOUSANDS OF DOLLARS)

55

<u>SALARIES, RECORDING STUDIO</u>	<u>FY 86</u>	<u>FY 87</u>	<u>INCREASE/DECREASE</u>
FY 1986 Positions	673		
Estimated Sequestration	- 37		
Revised FY 86 Allocation	<u>636</u>	636	
New Positions		394	+ 394
Annualization of FY 86 Positions		37	+ 37
Salary Administration		34	+ 34
Total FY 87 Request		<u>1,101</u>	<u>+ 465</u>

NO NARRATIVE SUPPLIED

	<u>APPRO</u>	<u>G/B/H</u>	<u>Trans</u>	<u>Supp Required</u>	<u>Revised</u>	<u>Change</u>
SENATE COMP CENTER						
Administration	1,024	283			741	1,135 + 394
Committee Computers	3,579				3,579	5,585 +2,006
Office Automation	11,464	73			11,191	12,926 +1,535
State Offices	1,858	170			1,688	2,166 + 478
Computer Systems	2,838	577			2,261	3,480 +1,219
Systems & Terminals	5,554	169			5,385	5,359 - 26
Subtotal	26,317	1,272			25,045	30,651 +5,606
Office Automation	4,800				4,800	-4,800
Total	31,117	1,272			29,845	30,651 +806
TELECOMMUNICATIONS						
Administration	155				155	145 - 10
Capitol Offices	8,680		99		8,779	13,874 +5,095
State Offices	6,000		239		6,239	7,252 +1,013
PBX(Supp)	-			11,100	11,100	-11,100
Supp Required				3,027	3,027	-3,027
Total	14,835		338	14,127	29,300	21,271 -8,029
EXECUTIVE OFFICE						
Federal Space	3,700				3,700	3,733 + 33
Commercial Space	2,502				2,502	3,071 + 569
Mobile Offices	193				193	277 + 84
Furniture/Furn	52				52	356 + 304
Alterations	80				80	88 + 8
Total	6,527				6,527	7,525 + 998
SERVICE DEPARTMENT						
Office Equip - Wash	2,200	481	-99		1,620	1,563 - 57
Office Equip - State	1,600	1104	-239		1,257	980 - 277
Packaging & Flag	45	11			34	40 + 6
Bulk Printing & Mail	575	40			535	558 + 23
Job Shop	466	93			373	397 + 24
Pre-Press	330	230			100	111 + 11
Micrographics	200	71			129	139 + 10
Administration	45	27			18	26 + 8
Total	5,461	1,057	-338		4,066	3,814 - 252
FACILITIES & FINANCIAL MANAGEMENT						
Cabinet Shop	54				54	65 + 11
Custodial Services	140				140	140
Furniture/Furn	235				235	245 + 10
Misc Official Exp	70				70	370 + 300
Supplies	25				25	25
Photo Services	10				10	10
Auto & Maintenance	100				100	125 + 25
Total	634				634	980 + 346
CONSULTANTS						
Telecommunications	80				80	95 + 15
Executive Office	60				60	60
Fac & Fin Mgmt	-				-	-
Service Dept	-				-	-
Senate Comp Center	70				70	55 - 15
Total	210				210	210
TRAVEL						
Telecommunications	17				17	50 + 33
Executive Office	50				50	50
Computer Center	100				100	67 - 33
Total	167				167	167
SEMINARS						
Executive Office	2				2	2
TOTAL	59,953	2,329	0	14,127	70,751	64,620 -6,131

DEPARTMENTAL POSITION ANALYSIS & COMPARISON

<u>Positions</u>	<u>FY 86</u>	<u>FY 87</u>	<u>+/-</u>
Executive Office	100	100	-
Senate Computer Center	236	203	- 33
U.S. Capitol Police	611	717	+ 106
Facilities and Financial Management	131	131	-
Service Department	187	164	- 23
Telecommunications	34	47	+ 13
Post Office	61	61	-
Recording and Photographic Studio	31	46	+ 15
Galleries	17	17	-
TOTAL	1,408	1,486	+ 78

<u>Funding</u>	<u>FY 86</u>	<u>FY 87</u>	<u>+/-</u>
Executive Office	2,065	2,515	+ 450
Senate Computer Center	6,466	7,414	+ 948
U.S. Capitol Police	15,451	21,471	+6,020
Facilities and Financial Management	2,655	2,800	+ 145
Service Department	4,488	4,660	+ 172
Telecommunications	866	1,332	+ 466
Post Office	1,094	1,148	+ 54
Recording and Photographic Studio	1,006	1,511	+ 505
Galleries	704	751	+ 47
TOTAL	34,795	43,602	+8,807

United States Senate
Office of the Sergeant at Arms
and Doorkeeper
Fiscal Year 1986
Supplemental Requests

Contingent Expenses:

1. \$11,100,000. This estimate is for a digital PBX (Private Branch Exchange) at the United States Senate. The Committee on Rules and Administration recently approved this procurement. Equipment will be in place and tested during the fourth quarter of FY 86 and will be certified for acceptance during the first quarter of FY 87.
2. \$3,027,000. This amount is requested to satisfy a FY 86 short fall occasioned by a delay in our digital switch procurement. Originally estimated to be in place and operating by April 1986, we reduced our FY 86 budget by the amount of savings and economies our original study showed to be resultant from cut-over. Due to procurement delays, the projected April 1986 installation has been missed. This supplemental, therefore, carries forward our current operating expenditures to the close of this FY and allows for an announced line rate increase by the local telephone company effective upon termination of our rate stability contract on July 1, 1986. In addition, a 10-25% increase in telephone rental charges from AT&T, has been factored into the supplemental.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$934,000, to be disbursed by the Secretary of the Senate: Provided, That none of these funds shall be used to employ more than (twenty-eight) thirty-three individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

FY 87

Compensation	\$830,000
Agency Contributions	94,000
Expenses	10,000
Total	<u>\$934,000</u>

The above estimate for compensation reflects the addition of five new positions in fiscal year 1987. These positions became necessary in January, 1984 to comply with new security regulations and have specifically been assigned to the Old Senate and Old Supreme Court Chambers.

While heretofore these positions have been funded by the Sergeant at Arms under lump-sum authority, the Capitol Guide Board has agreed that the Capitol Guide Service would make these assignments permanent as soon as practical under regular budget cycles. Authority for these additional positions has been requested and is currently under review by the House Administration Committee.

Senator WARNER. Thank you, Mr. Garcia. Ms. Morrison, do you have anything you want to add at this time?

Ms. MORRISON. No, Mr. Chairman.

Senator WARNER. Thank you for joining us today. We will now, gentlemen, if it's agreeable, hear from our colleague from Colorado.

Mr. Garcia, at some point—I don't want to be presumptuous here just for a few moments in the Chair—but I know that this is one Senator that would profit greatly by the creation of what is known as a wiring diagram. We used to use them in the Department of Defense—the Secretary is up here, and it came down to a lot of boxes.

I think it would be helpful if you were to work with the staff of this Committee and develop a wiring diagram so a Senator could track a problem at least up the chain to see who's responsible.

And then I would find it helpful if one were made for the Architect of the Capitol so that we could probably better understand the overlay and the intrigue of this system.

Mr. GARCIA. I will say to you that one of the first things that I did when I came on board was to do exactly that. But I will be glad to work with the Committee staff and—

Senator WARNER. Well, if you've got one, just show it to us.

Mr. GARCIA. All right, sir, I'd be glad to do that.

Senator WARNER. Maybe there need be no further refinement.

Mr. GARCIA. I will be glad to do that.

Senator WARNER. But it will be helpful to have that document.

Now, if you will temporarily stand aside, we will hear from the Senator from Colorado.

STATEMENT OF HON. WILLIAM ARMSTRONG, SENATOR FROM THE STATE OF COLORADO

Senator ARMSTRONG. Mr. Chairman, I appreciate your courtesy in letting me come by for a minute.

Senator WARNER. Quite unexpected, and we are all anxious to hear what it was that prompted you to come.

Senator ARMSTRONG. Well, Mr. Chairman, I have not been keeping exact notes, but I believe this will be the fiftieth occasion, or more, on which I have approached this Committee, only the second time I think in an official way, in a formal setting such as this.

But over the last four or five years, I have come to this Committee and its staff, and its Chairman and its Members at least fifty times to express my concern about the operation of the Senate computer system. And I thank you and the other Members of the Committee for holding this hearing and for giving those of us who have a great sense of concern and frustration about it to at least put these on the public record. And what I would like to do is this: I would like to submit a statement for the record and ask that it be incorporated into the proceedings, and then take just a moment to tell you where I think we are.

Senator WARNER. Without objection.

Senator ARMSTRONG. When I was a Member of the other body, early in my career as a Member of the House, the leadership of the House authorized Members to contract for computer services to be

used in mail management and other office automation procedures—this is, I guess, a dozen years ago.

Now, the result of this is that Members of the House—some of them went to IBM, some of them went to Xerox, some of them went to Wang, some used a punched card system—different systems proliferated throughout the House.

The effect on the operation of Members' offices was just dramatic. The improvement in the quality of the correspondence, in the appearance of it, in the productivity per man hour, in the ability to turn mail around fast, as well as its usefulness in other kinds of functions, in day-to-day word processing and so on, was just dramatic.

I was absolutely dumbfounded when I got to the Senate and found that the norm was exactly the opposite, that the Senate had a computer capability which was at least a decade behind that which was enjoyed by Members of the House. The reason, without getting into too much detail, more than perhaps the Committee wants to hear from me at this point, was completely obvious. Whereas the House had a distributed system, where they said to Members go out and do your own thing, here is the money, make the best deal you can—the Senate had a system which said we are going to provide this as a central service, with all of the inefficiency, with all of the turf battling that that kind of a process implies, with all of what has proven to be an enormously expensive approach. We end up having spent vastly more money than I believe to be necessary on the Senate side, and have given individual Senate offices and the constituents of Senators much worse service than they would have otherwise had.

Mr. Chairman, I outline some of this in detail in my statement, but I guess about four years ago I got sufficiently frustrated about it that I hired a consultant to look into it and present it to the then Chairman of the Committee and to the Members of the Committee, a report which outlined some forty or fifty rather specific problems that were inherent in the Correspondence Management System as it then existed. Even as recently as four or five years ago, you couldn't even put somebody's first name into the Correspondence Management System, because the capability for it just didn't exist at that time.

As a result partly of those objections which I raised and those that were raised by other Senators, particularly, may I say, those who served in the other body and who had had the experience of a better, more flexible opportunity, there had been some noteworthy improvements in the Correspondence Management System, for which we are all grateful.

It never got to the point where I thought it was really good enough to use in my office, and so about four, maybe five, years ago I began to contract with an outside vendor, the same vendor which I dealt with when I was a Member of the House, a company called DialCom, and for the last four or five years I have paid from other sources this expense, about—I think it's around \$1,500 a month, maybe slightly more than that—because I am convinced that the difference in the quality of service thereby available to me as a Senator and to my constituents, the increase in productivity of my people is so dramatic, that it has been worth that expense, al-

though I must say it's very frustrating to me because the inconvenience and the burden of having to pay for this from outside sources is substantial.

I draw this to the attention of the Committee in the hope that you will see fit to lay down some guidelines under which individual Members can, in effect, opt out of a centralized system. This Committee, or the Leadership, wouldn't think for a minute of saying to Senators that you can only use personnel that are employed by some central system, or you can only use supplies purchased from a central system, or you can only have publications available to you from a central system—we just don't do that. And the reason is because it wouldn't work, it would be inefficient, it would be preposterous.

Well, I would suggest to you that the same is true of data processing, that a healthy degree of competition among vendors has to some extent already improved the quality of computer services and would vastly improve it in the future.

I think specifically that we would do about three things if we would have a distributed approach where individual Members would have the option of opting out of the central system and spending their own money, just as they do for personnel.

First of all, I think we would have a much faster upgrade of the computer capability of individual offices. And, second, I think we would save money. And, third, I think that the delay, which has already become a great frustration to many Members—and I am not speaking just for myself, I have talked to at least a dozen Members about it over the last several months who feel exactly as I do—that we could end this. There is no reason for us to go on like this.

As an anecdote, let me say, I encountered my friend from Montana, Max Baucus, walking across the street. And I said are you on your way to the computer hearing, and he said, no, I didn't know about it; if I had known, I would have asked to testify. I said, well, do you want me to say anything on your behalf, and he said, yes, I want you to tell them I feel just as strongly about it as you do.

And, Mr. Chairman, it would be a great service, a great service, if this Committee would simply set forth the rules under which we could cut through the Gordian knot.

We've got a situation now where we have one office of the Senate, the Sergeant at Arms, charged with the responsibility of managing the computer system, and yet we have another agency, the Rules Committee, setting down the rules.

So my suggestion—and I am open to any kind of better idea—but my suggestion is, after we have spent some \$48 million in new automation systems for our offices, and we are spending, I think, something like \$3.6 million each year for computer services—is that we can save money, improve the quality of services, and give more flexibility to individual Members, if we would let them do their own thing in computers just as we do in virtually everything else that Senators are involved in. So I thank you for the opportunity to come by and express this, and I would like to incorporate my statement in the record of these proceedings.

Senator WARNER. Without objection.

[The following was received for the record:]

Statement by
SENATOR WILLIAM ARMSTRONG

Computer Systems Oversight Hearing
Committee on Rules and Administration
July 30, 1986

Mr. Chairman:

I thank the Committee for this opportunity to make a statement on the Senate Computer System and I commend the Committee for conducting an oversight hearing to consider the full spectrum of issues surrounding the use of computers by the United States Senate.

This is a matter of substantial importance to the Senate because of the direct impact of the computer on both the cost and efficiency of Members' offices and the operation of the Committees. Since we must now reduce costs in the face of increasingly heavy volumes of mail and legislative business, the computer is a critically important tool in maintaining quality service to our constituencies.

I have asked for time to appear before this Committee today because, unlike most other sectors of our society, the U.S. Senate has not made the most effective use of the new systems capabilities now available to us. We have attempted to impose centralized control and static regulation on a technology that is dynamic and subject to constant and radical change. Nowhere in our society is there a technology that is changing and improving as fast as the computer. The imposition of a slow-reacting control system on this dynamic technology has had the effect of freezing the system in time and making it nearly impermeable to the constant change and upgrading that is needed. As a result, we now have a system that is 15 years out of date and confront the prospect of spending millions of dollars and many months, if not years, to bring it anywhere close to modern capability.

Because I have found the CMS mail management system to be inadequate for my needs, over four years ago I contracted for an outside service. The change made it possible for my office to double the output of mail per man-hour and to substantially upgrade our mail handling because of added management capability not available on CMS. This has been a constant drain on my budget, but I have been continuing to bear this expense because of the promise that the Senate was going to provide a new system that would meet the needs of a modern-day Senate office. Four years later, we still do not have a mail management system that matches the Dialcom system I have been contracting for. Unfortunately an acceptable system appears to be many months away -- if not years.

Statement of Senator William L. Armstrong
 July 30, 1986
 Page 2

This situation is particularly frustrating because we were assured that the new Office Automation Systems specified by the Senate would have fully capable mail management systems added by as early as last spring. With the discovery that the approved vendor systems are inadequate to accommodate mail management, we now appear to be saddled with inadequate individual systems and an obsolete central mail system. Adding to the frustration is the full knowledge that systems to meet the needs of individual Members are readily available and could be immediately contracted for on an individual basis.

I could continue to outline criticisms of our present system at greater length, but I think it would be more productive to concentrate on what we should do from this point onward. The Senate has a great stake in moving our computer system to the forefront of modern technology and keeping it there.

It is my firm conviction that the money appropriated for computers should be allocated to Members to enable them to contract for personal office computer services on an individual basis. This program should include the option of including state offices in the office automation systems. The technology is available at a level of cost that would make such an approach practical and advisable. Among the problems that would be solved by adopting this approach are:

1. Continuous up-grading of computer capability would be assured through the pressure of open competition. We have proven with our past experience that the current structure makes up-grading a slow and laborious process that thoroughly stifles any thrust toward innovative improvement.

2. Members would be allowed to contract for systems that would meet their individual needs and preferences. A particular concern of mine is the inability of systems now available to us to provide an adequate computerized scheduling system that can handle the demands of a U.S. Senator. The ability to customize a system to an individual Senator's management objectives would assure the advances in efficiency that are now necessary to cope with our increasing work loads.

3. An enormous delay in up-grading mail management in the United States Senate could be avoided.

I recognize that there may be some merit in retaining centralized capability for the larger states, but this should not become the basis for denying all Members the option of contracting for personal office systems.

Statement of Senator William L. Armstrong
 July 30, 1986
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I should now like to turn attention to a problem that is even more basic to our problems with managing the computer in the Senate. We have one agency of the Senate, the Sergeant at Arms, charged with the management of the computer systems, but the Rules Committee defines the rules under which the computers shall be operated. This seems to be a situation where the responsibility is separated from authority which makes a practical and efficient system virtually impossible.

This problem has been made much more acute by the attempt to prescribe in detail how the individual computer needs of each office should be met. As a result we do not know how to go about solving our computer service problem. The Computer Center does not have a clear mandate with adequate authority and budget to carry it out.

The time has come to provide guidelines for the Sergeant at Arms which clearly delineate the area of responsibility and authority for providing computer service. I would strongly recommend that those guidelines be broad enough to allow the Computer Center to offer logical options to Members of the Senate as the House has done.

There are already three Senate Offices using Dialcom for their mail management systems. However, we must pay for this service out of our own budgets and are not receiving our share of the mail management budget. A good place to start in offering Members reasonable options would be for the Rules Committee to authorize the Computer Center to pay the cost of the Dialcom systems. This could be a very useful step for the entire Senate because it would demonstrate the practicality of alternate systems as well as provide an opportunity for the Computer Center to compare costs and performance.

Mr. Chairman, after investing \$48 million in new Office Automation systems, we are still forced to spend some \$3.6 million annually on an obsolete central mail management system that we thought we were going to be able to abandon. I would urge that we use the occasion of this hearing to launch a new approach to computer management that will enable the Senate to take advantage of the fabulous new systems available to us. I thank you for this opportunity to express my views on this vital subject.

Senator WARNER. Senator Inouye, do you have any questions?

Senator INOUE. No, Mr. Chairman.

Senator WARNER. We thank you. We will pass that on to the Chairman and the Ranking Minority Member. I don't feel in a position to address it in one way or another, except to detect a very genuine approach on your part.

Senator ARMSTRONG. Let me just urge, may I say to——.

Senator WARNER. If I had an authority here, I'd just deputize you as a subcommittee chairman, even though you are not a Member of this Committee, and let you take charge.

Senator ARMSTRONG. Well, I thank you for the confidence. But what I would urge the Members of this Committee to do is to ask their own correspondence sections about this and ask if it isn't true, if their own people wouldn't tell them that what is available in enormous—well, with great diversity, with tremendous flexibility, at the drop of a hat—I mean, if a Senator were to say I'd like to put in a correspondence management system, and say it to Xerox, IBM, Wang, any number of other companies, they would have so many interesting economical proposals on their desk by Monday morning that it would just make their heads swim—as compared with the tortuous, agonizing process we follow around here.

So I wish you well, and I sure hope we can do something about it fairly soon.

Senator WARNER. Thank you.

Senator ARMSTRONG. Thank you very much.

STATEMENT OF HON. ERNEST E. GARCIA, SERGEANT AT ARMS OF THE U.S. SENATE (resumed)

Senator WARNER. Now we will continue to address these issues to our witnesses, Mr. Garcia and Ms. Morrison.

Senator, would you care to start off, or otherwise I have a few questions.

Senator INOUE. All right. Mr. Chairman, it's my understanding that the Rules Committee has no statutory authority over the operations of the Office of the Sergeant at Arms. However, we are obligated by law, for example, to look after the finances. The Chairman of this Committee is required to approve vouchers in excess of \$10,000, and this Committee has jurisdiction over large expenditures, the telephone system, et cetera.

I believe it's through this voucher legal requirement and the oversight over large expenditures that this Committee has exercised jurisdiction.

Having said that, in my few years in the United States Senate, it has become apparent to me that by tradition and by practice the Sergeant at Arms has always been appointed by the leadership of the Majority party in the United States Senate.

Although the Senate does act upon the recommendation of the majority party, it is generally, so far as I am concerned, the selection of the Majority Leader of the United States Senate.

And I would think, if such is the case, that if we Senators have complaints to make about the operations, should be simple enough for us to confer with the Majority Leader of the United States

Senate, because I cannot imagine or conceive of any situation where the Sergeant at Arms of the United States Senate would act contrary to the wishes of the Majority Leader of the United States Senate.

Am I correct?

Mr. GARCIA. Yes, sir, you are correct.

Senator INOUE. I gather that we are gathered here not because of the operations per se of the service department and computer center but because of certain personnel practices. I believe that two Senators on this Committee have voiced some concern.

And so, Mr. Chairman, if I may suggest, let's get to the root of the problem here.

How many employees do you have in this communications area?

Mr. GARCIA. In the communications area, Senator, or overall?

Senator INOUE. In the communications area.

Mr. GARCIA. Approximately 34 or 35, Senator, in the telecommunications. In the Computer Center we have approximately—the director's office, for example, is 14; applications development is 39; educational support and services, 33; computer and communications facilities, 92—for a total of about 178.

Senator INOUE. How many in your Service Department?

Mr. GARCIA. 150 employees in the Service Department, Senator.

Senator INOUE. And how many overall?

Mr. GARCIA. Overall as of yesterday, 1,306 employees.

Senator INOUE. You have been in office now for about a year?

Mr. GARCIA. Yes, sir.

Senator INOUE. During that period, how many staff persons have either been dismissed, retired, or left for personal reasons?

Mr. GARCIA. Resignations, 64; new hires, 37; and terminations, 22, Senator.

Senator INOUE. Twenty-two were fired?

Mr. GARCIA. Yes, sir.

Senator INOUE. Sixty-four retired.

Mr. GARCIA. Resignations, yes, sir.

Senator INOUE. Were those who were dismissed given notice?

Mr. GARCIA. They were given notice of their termination, then, Senator, but they were given on the average of six weeks on the payroll. They were notified the day that we decided to terminate them.

Senator INOUE. In other words——

Mr. GARCIA. There was no prior notification, Senator.

Senator INOUE. They had six weeks' time to look for new employment?

Mr. GARCIA. Yes, sir—on the average. The directors had approximately ten weeks.

Senator WARNER. I wonder if I might interject at that point, how did you determine which Service Department employees were to be dismissed, particularly in that period of February 1986, and was there any consideration given to performance, personnel evaluations, years of service?

Mr. GARCIA. Senator, if you would allow me to present Ms. Carol Flynn, who is my director of personnel, she can articulate much better than I.

Senator WARNER. You know, you're the boss, and I'd like to hear your answer.

Mr. GARCIA. All right, Senator, I will answer the question.

Senator WARNER. And then we will be happy to have your subordinate testify.

Mr. GARCIA. We looked at what positions we could no longer afford, Senator. I felt that I could not look at individuals, because each individual has, I would suggest, I would guess, a very strong justification of why he or she needs a job. So we looked at positions, we looked at positions we could no longer afford, we looked at positions that were duplicative—that's how we approached the terminations.

Senator WARNER. I admit not having a specific knowledge of the department in any great detail, but then if there is an individual occupying a position which you as a manager determine is superfluous, did you look at the possibility of laterally moving that individual to another function?

Mr. GARCIA. No, sir, I did——

Senator WARNER. In view of their length of service, performance, and evaluations.

Mr. GARCIA. No, sir, I did not.

Senator WARNER. So if Mr. or Mrs., man or woman, was in position X, and you decided to abolish position X, down here on one end of the machine. Even though another person on the other end of the machine was hired a year or so ago and this one has been here for 15 years in the Senate, appeared every single day, that one went, is that it?

Mr. GARCIA. Yes, sir.

Senator WARNER. Well, that's an answer. Did you ever discuss with them individually, collectively, what was the problem with their work or why those reductions were necessary?

Mr. GARCIA. Yes, sir, they were informed as to why the terminations were being carried out.

Senator WARNER. Did you consider alternative means to deal with these employees, such as reduction of pay, laying off the temporaries of the Service Department employed at that time, and a longer lead time for the fired employees before they had to leave?

Mr. GARCIA. We made a thorough review of a variety of options. One of them, Mr. Chairman, was the review of OPM RIF procedures to determine if those procedures could be applied to the action that I took, in conjunction with our reorganization. While the Federal sector, by the sheer nature of its size, has great flexibility to successfully meet the criteria of RIF procedures, it would have been virtually impossible to follow the RIF guidelines in the Office of the Sergeant at Arms reorganization.

The primary problem with these procedures is the mechanism involving "bump" and retreat whereby employees whose jobs are eliminated can take jobs held by lower level staff.

Senator WARNER. First, is there a law or regulation that applies as to how you make personnel decisions, or do you just have an absolute free hand?

Mr. GARCIA. I have an absolute free hand, Senator.

Senator WARNER. But then you decided on your own initiative to look at the practices and procedures within the Federal government to give you some guidelines?

Mr. GARCIA. Yes, sir. And I might add, Mr. Chairman, if I may, that it was an 8-month process to look at the entire organization; it wasn't something that was done overnight. We did take a hard look at it and met with a variety of people, ranging from legal counsel to the folks downtown at OPM.

Senator WARNER. I thank the Senator from Hawaii. I'm better able to understand now the responses you were getting with that background knowledge.

Senator INOUE. Of the 18 persons who were fired from the Service Department, how many of these positions were abolished, how many were replaced?

Mr. GARCIA. All of the 18 positions were abolished Senator.

Senator INOUE. You did not have new hires to fill the vacancies?

Mr. GARCIA. No, sir, they are gone.

Senator INOUE. And these firings were carried out during the month of—

Mr. GARCIA. February.

Senator INOUE. February.

Mr. GARCIA. Of this year.

Senator INOUE. About eight months after you got into office.

Mr. GARCIA. Yes, sir.

Senator INOUE. Do the laws governing the civil servants of the United States apply to the Office of the Sergeant at Arms?

Mr. GARCIA. No, sir, they do not.

Senator INOUE. Are they the same laws that apply to the offices of United States Senators?

Mr. GARCIA. I don't understand your question. Would you please repeat the question, Senator?

Senator INOUE. Do civil service laws apply to us?

Mr. GARCIA. I do not know that answer.

Senator INOUE. Well, the answer is the same: yes, we can hire and fire.

Mr. GARCIA. Yes—I misunderstood your question.

Senator INOUE. Subject to the whim of the Ethics Committee.

But isn't that correct, Mr. Chairman?

Senator WARNER. My understanding is that a United States Senator has no law, regulation or otherwise governing the policy and procedure of his hiring and firing, or her hiring and firing.

Senator INOUE. In fact, what I wanted to point out was that I was quite amazed that when Mr. Garcia took over, he took eight months before he had his first firings. If I am not mistaken, during the four terms I've served in the United States Senate, whenever you had a new Sergeant at Arms, within three weeks you had a massive exodus of members. For example, I don't expect the Democratic Leader to retain in the service of the Sergeant at Arms ardent and staunch members of the Republican Party, and vice versa.

And so I would like to come back once again to my suggestions. If Members of the United States Senate have concerns about per-

sonnel practices, I think it would be well that they discussed this matter with the Majority Leader of the United States Senate.

I gather that the Majority Leader of the United States Senate recommended you to the Republican Caucus, did he not?

Mr. GARCIA. Yes, sir. Senator, I might just add that on the whole question of the terminations, in addition to all that I've described in preparation for that, and the actual execution of the terminations, I also asked the Ethics Committee to look into it. And I am advised that the Ethics Committee decision should be forthcoming by the end of the week.

Senator INOUE. In other words, of the 18 that were fired from the Service Department, they weren't fired and replaced by "your person"?

Mr. GARCIA. No, sir.

Senator INOUE. Or they weren't fired or replaced by "Dole's person."

Mr. GARCIA. No, sir, they were not.

Senator INOUE. I thank you, sir.

Senator WARNER. It's been brought to the attention of the Chair that on page 77 of the Senate Manual, Rule XLII, "Employment Practices"—apparently it's the only rule that governs the hiring and firing procedures here in the Senate, and that rule very wisely precludes any discrimination based on an individual's race, color, religion, sex, national origin, age, or state of physical handicap.

While I haven't looked at the balance of the rules, I presume that this was brought to my attention to indicate that that is the only rule that we have in the Senate that governs employee practices.

Senator INOUE. And that's where the complaints are made to the Ethics Committee, if a staff member feels aggrieved that he or she was fired for reasons of sex or race, color, and creed.

May I just continue for one moment, sir?

Senator WARNER. Yes, of course.

Senator INOUE. I'd like to point out—I'm certain that certain Senators have been quite grieved and disappointed with the services of the Office of the Sergeant at Arms. I should for the record indicate that my offices' operations have improved dramatically in the last year, to a great extent thanks to the Office of the Sergeant at Arms. My communication between the state of Hawaii and that of Capitol Hill has had a quantum improvement, and when one considers that we are out in a foreign country, I think that's saying something.

And so overall I come here quite biased—I come here supportive of the Office of the Sergeant at Arms. I think that office has been extremely supportive of my operations. I don't know if he has been supportive of yours, but I have no gripes whatsoever, believe me.

Mr. GARCIA. Thank you, Senator.

Senator INOUE. Just keep it up.

Senator WARNER. Now, Mr. Garcia, perhaps your deputy would like to amplify some of the points made here in our colloquy.

Senator INOUE. Mr. Chairman, may I ask—

Senator WARNER. Yes.

Senator INOUE. I have a request here from Senator Paul Simon. He has a list of questions for the Sergeant at Arms. May this be submitted to the Sergeant at Arms?

Senator WARNER. Without objection—and all members of the Committee will have a period—I understand this record will remain open for ten days during which time Members of this Committee, at the direction of the Chair, may submit questions to the witnesses for a prompt response.

I thank the Senator from Hawaii for coming this morning. His wisdom on this subject, as all others, is of advantage.

Now I note the presence of my distinguished colleague from Tennessee. Do you have any particular requirements at this time?

Senator GORE. Not at this time, Mr. Chairman.

Senator WARNER. I'll continue to propound several questions to the witness.

I have been given a statement by the distinguished Senator from Idaho, Mr. McClure, accompanied by questions, which will be incorporated in the record, and questions responded to by the witness.

Mr. GARCIA. All right, sir.

[The following was received for the record:]

STATEMENT OF SENATOR JAMES A. MCCLURE

Mr. Chairman, I welcome this hearing to look into the past and future operation of the Office of the Senate Sergeant at Arms. As one of those who has asked questions regarding the various duties of this office, and of the allocation of funds for the Office of Sergeant at Arms, I believe it will be useful not only to those of us on the Rules Committee, but to the Sergeant at Arms himself.

I am concerned that for the past several years the Sergeant at Arms office has operated with little or no guidance from this Committee. That is not the fault of the Sergeant at Arms nor of this Committee necessarily. We all know that it is sometimes most difficult for us to find the time to participate in the necessary function of administering to the needs of the Senate. I frankly admit to necessarily being a part of that problem, and I don't envy the job of the Chairman of the Rules Committee in trying to find enough of us from time to time to conduct the necessary business of this Committee and of the Senate.

Nevertheless, I do have some concerns about the operation of the Office of the Sergeant at Arms. My concern began as many of my colleagues began talking to me about office automation, or the lack of it, in the Senate. The Senate Computer Center, under the direction of the Sergeant at Arms, several years ago had no plans to move the Senate into a more modern computer age. After a good deal of pushing by Senators themselves, we have achieved, largely through the work of this Committee, a degree of office automation. Yet I freely admit that I have been totally frustrated, at times, while trying to work with, or obtain responses from, the Senate Computer Center, and with the Sergeant at Arms on office automation matters.

It is fair to say that each of us, personally or through our offices, make demands on the Sergeant at Arms, for telephones, office equipment, computers etc. In his defense, the Sergeant at Arms often must make decisions regarding these various requests without the guidance from this Committee. And I think we're all aware of just how demanding we can all be at one time or another.

But there are some disturbing situations which have occurred within the past several months which led me to request that the Chairman undertake to investigate the Sergeant at Arms office.

Specifically, I had made a number of requests for information regarding the Computer Center takeover of office automation training. I viewed my requests for information to be completely normal—the ordinary information request we all make to one government agency or another. The responses, or lack of adequate responses, have led me to believe that, for the Senate Computer Center at least, there is a definite lack of overall planning, of overall strategy. This came at a time when the then Director of the Computer Center, and his principal deputy were dismissed by the Sergeant at Arms, leaving the center without direction. After much correspondence and two meetings of my staff with the Computer Center staff, I finally received the

answers that I should have received with my first request. It took months to arrive at this point.

The Office of the Sergeant at Arms spends about twice as much money as do all of the Senate Committees combined. Yet as one Committee Chairman, who appears before Rules Committee each year for my own Committee funding authority, I am amazed that the Sergeant at Arms faces no similar requirement or oversight. I believe the Rules Committee should exercise its authority to provide guidance to the Sergeant at Arms, and oversight of his activities. I would hope that the Sergeant at Arms would also welcome direction from the Rules Committee as he is often called upon to respond to a vast number of requests from various Senate offices.

With that background, I look forward to these hearings. I expect to have some questions as the hearings progress and I would ask that I be allowed to submit further questions to the Office of Sergeant at Arms which would also be a part of this hearing record.

QUESTIONS FROM SENATOR MC CLURE FOR RULES COMMITTEE MEETING 7/30/86

(1) When will a "Master Plan" be available from the Senate Computer Center? Will this include a plan for setting up State office communications?

(2) Why wasn't the disk drive replacement request sent to Rules Committee before the need reached the crisis stage?

(3) If you were authorized today to take over training for Prime, Honeywell and Data General, could you do it for all three vendors at this time?

Senator WARNER. Are there any other statements at this time to be placed in the record, or questions?

I have before me staff inquiries on this point. On page A3, you state "I am pleased to report that many of the procurement weaknesses cited by GAO in their review one year ago have been remedied through the addition of a procurement officer."

Where is this report? Was it sent to the Rules Committee?

Mr. GARCIA. Senator, I cannot answer that question. Again, I have people that can answer that question.

Senator WARNER. All right.

Just come forward and identify yourself, please.

Mr. HOLMBERG. Senator, my name is Bruce Holmberg, I'm the director of Facilities and Financial Management.

Senator WARNER. The Office of the Sergeant at Arms?

Mr. HOLMBERG. Yes, sir. The report that you have cited was requested by Larry Smith, the previous Sergeant at Arms.

Senator WARNER. Now, you are speaking in a manner that I am not understanding what your response is. Just speak a little more slowly and articulate a little more clearly.

Mr. HOLMBERG. The report that you just cited on procurement weaknesses has to do with some weaknesses that we felt were existent not only internally to the Sergeant at Arms but in dealing with the Committee. We had asked GAO to come up on an informal basis to review the types of work we were doing in the accounting area, how we were doing on contracting, and the relationship with the Committee.

This was strictly informal. GAO sent some auditors up here for a period of six weeks, at which time they gave us an informal briefing.

In that regard, they recommended that Mr. Garcia, who was then Sergeant at Arms, establish a central procurement office for all dealings internally with the departments, which prior to that time had been handled decentralized and also to shore up some of miscommunications between the Rules Committee and the Office of the Sergeant at Arms relevant to the variations in applications of

the rules regarding procurement; in other words, sometimes vouchers would be approved, at other times they would not—yet the criteria were the same; in other words, a \$15,000 voucher at one time would be approved, on another occasion they would enforce regulations.

But since that time we have centralized the entire function with the addition of a procurement officer.

Senator WARNER. Was this report sent to the Rules Committee?

Mr. HOLMBERG. No, sir.

Senator WARNER. Any reason for that?

Mr. HOLMBERG. There is no written report, Senator; it was an informal briefing.

Senator WARNER. So there was no written report.

Mr. HOLMBERG. No, sir.

Senator WARNER. It was a briefing, and therefore there was no tangible document to forward to the Rules Committee.

Mr. HOLMBERG. No, sir.

Senator WARNER. There is no intention on your part to purposely eliminate consideration by this Committee.

Mr. HOLMBERG. No, sir. And I might add, on that note, that this informal briefing by GAO was done at the instigation of the Appropriations Committee who noted large increases in the amount of our expenditures in the procurement areas, and suggested we have someone to take a look at it.

Senator WARNER. Mr. Garcia, what is your relationship with the various committees of the Senate? Is there any practice, custom—or do you frequently consult with the Chairman and Ranking Member of this Committee on certain things, or do you operate in a manner that you are accountable solely to the Majority Leader as such?

Mr. GARCIA. I interact more with this Committee than any other committee, but it's the Rules Committee and the Appropriations Committee. I would say that, while I do speak to the Majority Leader on a daily basis, the substantive kind of conversations and discussions are with this Committee and, as I say, also with the Appropriations Committee.

Senator WARNER. Now, there was another person, one of your deputies, who was about to perhaps add something with respect to the earlier inquiries by Senator Inouye and myself on personnel practices.

I wonder if she might return to the table, identify herself, and we would be delighted to receive such additional testimony as you think is germane to the inquiry.

Mr. GARCIA. Thank you, Senator.

Ms. FLYNN. Thank you, Senator, my name is Carol Flynn, I'm director of human resources—better known as personnel director.

I believe Mr. Garcia—

Senator WARNER. Just out of curiosity, is that a title that has been in existence for some time?

Ms. FLYNN. No, it's not, Senator. The title or position was established, I believe, in 1982 by Larry Smith, the former Sergeant at Arms. It was held previously by another individual, and Mr. Garcia appointed me to that capacity in October of last year.

Senator WARNER. Thank you, we welcome you here this morning.

Ms. FLYNN. Thank you. I believe Mr. Garcia has answered the question as I would have earlier. If you have any other questions you'd like to ask me, I'd be happy to answer.

Senator WARNER. Well, without, again, knowing much of the background, I confess to some perplexity as to why, if an individual had had a long and commendable record of service to the United States Senate and happened to fortuitously be in position A, which was determined by the Sergeant at Arms to be abolished, that person wasn't evaluated based on past performance as to his or her ability to move laterally or elsewhere in the organization, and therefore some greater weight, recognition, been given to service to the Senate before dismissal. After all, the Senate operates on a rule of seniority, and it seems to me that that might carry forward in an informal way in our personnel practices.

Ms. FLYNN. I can understand your concern, Senator. One of the problems that we faced with that was placing these people in positions of comparable status or stature. The positions that were eliminated were very upper management and most of the people whose positions were abolished were making in excess of \$35,000. It was extremely difficult to find a comparable position in another place within the Sergeant at Arms for these people.

Senator WARNER. Well, was there any consideration given to maybe consulting them on this and asking if they would consider a position of lesser responsibility and compensation?

Ms. FLYNN. We discussed that possibility, but we also had to take a look at the morale aspects of implementing that form. We felt that if that were the case and we get into a "bump" type of arrangement, that this would detract from the morale of the Service Department.

So instead of allowing these people to perhaps take lesser positions, which would have meant that people in the lower positions would have lost their jobs, and down the line, we decided to eliminate the positions and those people because we felt that if we did allow the "bump" and retreat that the entire morale of the Service Department would have been——

Senator WARNER. Well, let's look at the other side of the coin. Take, for example, an individual who was not caught up in this particular initial RIF and job elimination procedure, he or she missed it—what's the incentive for them to continue to work hard in the Senate if all of a sudden some day their job could be abolished and no consideration be given whatsoever to what they have contributed to the Senate over these many years that they have been here, and a new individual be given preference? And yet there is comparable skill.

Ms. FLYNN. But, Senator, there was no new person that was given their position; in other words, we did not fill these positions. I can understand your question, but we did not put new people in those positions that were eliminated.

Senator WARNER. I understand that, that was made clear in the record. But I'm just sort of feeling my way through this. I must say that I don't know the details of what occurred.

Ms. FLYNN. Senator, let me just say that I have been on the Hill now for 13 years myself. I am very well aware that service in the Senate is temporary in nature; an employee serves a week, they

serve 10 years, they serve 15 years—and just by the nature of coming to the Hill as a staffer, a person should intuitively know that their position—you serve at the will of whomever, whether it's a Senator, whether it's the Sergeant at Arms, the Majority Leader. That is inherent in Senate employment.

In my own case, I lost my position in a previous committee three years ago through no fault of my own, just by such a similar type action.

So the fact that a person has been here for x number of years does not guarantee a right of a secure position.

And we by no means meant to impart to the people who left that they were not appreciated and that their service went unrecognized. Mr. Garcia wrote letters of recommendation; he offered to call potential employers in their behalf.

Senator WARNER. Well, I think all those who come to the Hill understand clearly that they are not protected by any of the rules of security given other forms of employment in government, private sector, or elsewhere. And that's an issue that can be debated on the side. But anyway it's the current practice of the Senate. I, for one, don't suggest that it should be changed.

But, on the other hand, the Senate, irrespective of the partisanship that exists and should exist, is a family as a whole, and we seek for an element of fairness of treatment. Recognizing that an individual forgoes job security, they, I believe, are of the opinion that they are going to be treated fairly.

And while again I don't know the particulars of this, apparently there is a feeling that some measure of fairness was not employed. That may or may not be the case.

Ms. MORRISON. Senator, may I speak to that?

Senator WARNER. Yes, of course.

Ms. MORRISON. I was the person directly who was the messenger in these particular terminations. I would like to address the issue of fairness, the issue of compassion, the issue of timeliness, as well as other feelings that came about as a result of those terminations that have been expressed since.

I made every attempt to be consistent with every individual. When the decisions were made, the decisions were made based upon positions not upon people. The days on which I conducted the termination were painful days, they were stressful days, and they were days that I hope that none of us have to go through ever again in our professional careers.

Not knowing the majority of people that were involved in the termination, the first time that I saw many of the individuals was at the moment of termination.

Fairness—one can never honestly state that terminating one's gainful employment could be viewed as fair, either by those involved in the terminations, the recipients thereof, nor by those that have to carry out such a difficult task.

I sought compassion, I tried to convey that. And I can only say that the Office of the Sergeant at Arms has tried with utmost care to place the terminated individuals when they allowed us to assist them in relocation efforts.

Because the Sergeant at Arms wanted to get to the bottom of this issue and to have it be known, Mr. Garcia requested the Ethics

Committee to look into the issue. We have testified before the Ethics Committee. We are available in the course of this week before their findings to go back if they so request. And we would hope that that Committee, if you would desire, Mr. Chairman, would provide copies of that statement and the outcome to this Committee or to any Senator who is concerned.

All I can do, once again, is say that many things have happened since that reorganization. Mainly we feel we have increased the efficiency in operations, particularly in the Service Department, since that February reorganization. We have specifically increased services for Senator Mathias in one situation, where he needed an additional copier for his state office. We had a short turnaround time—it's usually three weeks. Because of the Senator's request at one of our pseudo-vulnerable times, we still were able to deliver that in a three-day turnaround. Senator Packwood as well had requested a portable tape recorder one morning—you tape with him at 4 o'clock p.m. Usually that's a three-day minimum turnaround. With less staff, we made a turnaround in three hours.

So there are tangibles, and we can say with pride that we do feel that we have increased the efficiency of the operations of the Sergeant at Arms since that February reorganization.

Senator WARNER. I thank you. And I don't mean to imply by my questions that you haven't achieved the goals. I was simply drawing on some of my experiences as Secretary of the Navy when I had to go through a number of RIF's, the hardship that falls from those situations.

You wanted to add, Mr. Garcia?

Mr. GARCIA. Just a comment, Mr. Chairman. As Ms. Morrison stated, this was a tough thing to do—one of the toughest things I've had to do in my career. But hopefully, Mr. Chairman, by having done this, the next Sergeant at Arms that comes along will not have to do that. And I am not pointing fingers at anybody. This is something that in my opinion over the years grew and got out of control; that is to say, when I did take a look at the organization I found a very top-heavy organization. And that's because of what's been happening over a period of years. I don't think again it's anybody's fault.

But what I hope to leave and what I hope to establish while I am here is a tight organization, a lean organization, so that we don't have to in the future take these radical measures once again.

Senator WARNER. Well, perhaps that will be the case, and I hope you are there for some period of time. But I would just conclude by giving one person's opinion that, viewing the fact that you have no security when you come to the Hill, you repose trust in others to make tough decisions, as you've made, with a sense of fairness. I think some weight should be attributed to longevity in the Senate, seniority, and the ability to move laterally or even to step down as an option before an individual is—

Mr. GARCIA. And, again, Senator, with the help of Ms. Flynn, we are about the business of looking at what personnel practices should we develop, what's the best way to address the fact that there is no guarantee that once you come to the Senate—you don't have a job guaranteed. To the extent that we can guarantee employment, we are looking at that; we are going to try to make sure

that we have got a fair system, to the extent that we can be fair in this environment, to the extent that we can say to you that you are coming to work for us, you are dedicated, you are committed, we want to treat you as fairly as we can. We are looking at that. And we hope to have very soon a plan that we can present for comment, because we are interested in doing a fair thing to those who work for us.

Senator WARNER. Thank you. Is there anything further? We will submit other questions to the witnesses and ask for your prompt reply.

Thank you, the meeting is adjourned.

[The Committee adjourned at 10:32 a.m.]



OVERSIGHT HEARING ON THE OPERATIONS AND FUNCTIONS OF THE OFFICE OF THE SERGEANT AT ARMS OF THE SENATE

MONDAY, SEPTEMBER 29, 1986

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m., in room SR-301, Russell Senate Office Building, Hon. Charles McC. Mathias, Jr., Chairman of the Committee, presiding.

Present: Senators Mathias, Ford, Inouye, and Warner.

Staff present: John B. Childers, staff director; John R. Rixey, Jr., majority counsel; William McW. Cochrane, minority staff director; Gerald W. Siegel, minority chief counsel; John K. Swearingen, director, technical services; Ann B. Cook, chief clerk; Carole J. Blessington, assistant chief clerk; Gerald Gereau, chief investigator; Dennis G. Doherty, auditor; Gail S. Martin, minority professional staff member; Waitus A. Dowless, professional staff member; Elaine W. Milliken, elections counsel; Harriet L. Robnett, elections deputy counsel; John L. Sousa, minority elections counsel; Patrick Sarman, senior systems analyst (technical services); and Ronald Lee Hicks, senior systems analyst (technical services); Martha Spenger, senior systems analyst (technical services).

The CHAIRMAN. We will now proceed with the continuation of Oversight Hearing, on the operational functions of the Office of the Sergeant at Arms.

Senator FORD. Mr. Chairman, I request that the Sergeant at Arms, and his assistant be sworn.

The CHAIRMAN. They will rise and raise their right hand.

Do you swear that in the testimony you are about to give before this Committee, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GARCIA. Most certainly.

Ms. MORRISON. Yes.

TESTIMONY OF HON. ERNEST E. GARCIA, SERGEANT AT ARMS,
U.S. SENATE, ACCOMPANIED BY TRUDI MICHELLE MORRISON,
DEPUTY SERGEANT AT ARMS

The CHAIRMAN. This meeting is a continuation of the Oversight Hearing on the functions and operations of the Office of Sergeant at Arms that was begun on the 30th of July.

At the July 30th meeting, which, unfortunately, neither Senator Ford nor I were able to attend because of unforeseen complications,

a number of questions were raised regarding the operation of the tasks that the committee has assigned to the Sergeant at Arms.

In addition, there were numerous written questions that were submitted to the Sergeant at Arms, and I want to thank Mr. Garcia for his responses to those questions, which are included in the hearing record, and of course are a part of the hearing record.

This exchange, as useful as it was, however, does not totally illuminate all of the issues of concern. What it did raise was the fact that there are some areas in which there are differences of views between the committee and the Sergeant at Arms, that I think it is useful to explore in this setting.

One of these interesting questions arises from the differing roles of the committee, and the Sergeant at Arms's office in serving the Senate. The committee is the procurement officer of the Senate, and the committee's staff acts in furtherance of that role.

And I might note, parenthetically, that it is a matter of some pride with the committee, that in the ten years since the committee adopted the procurement regulations which are now in force, and began to act as procurement officer, and managed the major procurements, there has not been a single protest of any kind in the handling of procurements.

The committee has seen fit to hold the procurement authority as a complement to the Sergeant at Arms's day-to-day operating and administrative responsibility.

This was a decision made long before Senator Ford and I assumed our roles, or before Senator Inouye was a Member of the committee.

So this is an arrangement that we inherit from our predecessors. But having considered it, although it is a legacy from the past, it seems to be useful to continue.

In considering the Office of Federal Procurement Policy Act amendments of 1983, the Congress had occasion to consider the nature of the control over the procurement process which should apply in the Executive Branch.

The Senate expressed the view at that time that checks and balances needed to be built in as an important element of control. And I think, I must say very candidly, that retention of procurement authority by the committee does provide that kind of check and balance. The Sergeant at Arms, of course, has the responsibility for implementing contracts; sometimes very substantial contracts.

Therefore, the Sergeant at Arms and his staff will have frequent, recurring contacts with vendors, and is exposed to the greatest amount of pressure that might be exerted.

The committee staff, which does not have as many of these recurring contacts, is somewhat insulated, and therefore, in the nature of things, is probably able to be objective; I believe we would lose some margin of safety if the authority for procurement and implementation were both placed in the same hand.

I might say to the Members that there is a copy of the Sergeant at Arms' response in your folders, together with some additional material.

But what the Sergeant at Arms tells us, I think seems to indicate to me, that we need to strive for a greater degree of coordination

and cooperation, perhaps a greater understanding of each other's roles in this process.

So, as always in life, communication is essential, and usually, when there are differences of opinion, it is due to some lack of communication and not a lack of good will or motivation on either side.

Rule XXV of the standing rules of the Senate confers on the Rules Committee jurisdiction over the provision of services to the Senate, the administration of the Senate Office Building, the Senate wing of the Capitol, and payment of all money out of the contingent fund.

In addition, 2 USC 68 mandates the Rules Committee sanction of all payments from the contingent fund of the Senate. So, accordingly, pursuant to various statutes, Senate rules and regulations, as well as those immemorial customs of the Senate, which are so influential, the committee has, in conjunction with its policymaking role, considerable authority over the operations of the Sergeant at Arms.

All of this was set out in some detail in the July 30th meeting, and I will not elaborate it further.

Over the years, the Rules Committee has turned to the Sergeant at Arms, and to the Architect of the Capitol, and various outside vendors to fill the needs that the committee deems necessary for the operation of the Senate.

The committee approved the service, and then it assigned the task of delivery to the appropriate manager, whether it was to the Sergeant at Arms, or to the Architect, or whoever.

That, of course, did not relieve the committee of its final responsibility to the Senate for provision of those services. Faced with the need to have a full-scale computer service for the Senate, the committee asked a consultant to advise on the organization and mission of a computer center. Consideration was given to making the center a part of the committee and placing computer center employees on the committee payroll. A decision was made that management of the Senate would be assigned to the Sergeant at Arms, and at that time, the relationship of the committee and the computer center, and their respective responsibilities, were spelled out in the guidelines for information processing, and computer service activity.

These guidelines are actually simply an application of a basic management principle: assignment of duties and responsibilities.

It says that all new services, regardless of where the idea, or the request originated, must be authorized by the Rules Committee, and when something is authorized, the assignment of responsibility for execution and funding will also be made.

And I think that principle has been fairly uniformly applied to our dealings with all components of the Sergeant at Arms and the Architect of the Capitol.

The committee sets the policy. The committee authorizes a service. The committee assigns it to the appropriate manager.

Now having done that, the committee tries not to interfere in the management of the service, although of course it necessarily has to keep an eye on it to ensure that it is performing at it was intended, and it is not inconceivable, that the committee might feel obliged to intervene, if that is necessary.

A look at the total funding approved for the Sergeant at Arms during the last five years, for example, shows remarkable increases.

The Sergeant at Arms today enjoys a budget that is more than double the cumulative budget for all Senate committees, which makes the Sergeant at Arms Office a very substantial factor in Senate operations. That budget has doubled in the past five years; and, of course, the addition of technology functions is giving the Sergeant at Arms a greater role in Senate operations than ever before.

Before I ask any questions, let me ask Senator Ford if he would like to make a statement.

Senator FORD. I do, Mr. Chairman, and I thank you, and, as we open this continuation session of the Oversight Hearing on the activities of the Sergeant at Arms, I wish to briefly express a few thoughts and comments.

First, let me join wholeheartedly in your statement concerning the jurisdiction of this committee over the administrative responsibilities of the Office of the Sergeant at Arms.

There can be no question that our committee has been delegated clear and comprehensive jurisdiction over these activities by the Senate itself.

Those of us who have been privileged to serve in the Senate for any reasonable length of time can hold no doubt on this subject. Sharing this responsibility with the leadership and the Appropriations Committee, as do all authorizing committees, even to the point of apparent duplication of effort, in no way divests this committee of its power. Only the Senate can do that.

One further comment, Mr. Chairman. In the future, it seems to me it will best serve the interests of the Senate if we exercise our oversight responsibilities with more frequency.

I think this is especially important to prevent new Members, and officers of the Senate, from drawing incorrect impressions and judgments concerning the role of this committee in the administrative and procedural operations of the Senate.

It is always understandable that mistakes will be made by fallible human beings. The important thing is that such errors not be repeated in the future.

I believe that to be one of the important purposes of this hearing, I congratulate the Chairman on holding these sessions, and I am confident that they will prove, if not beneficial, most interesting.

The CHAIRMAN. Senator Inouye.

Senator INOUE. Thank you. Mr. Chairman, I believe that the oversight process which this committee has conducted has done the Senate a significant service.

It has exercised its appropriate oversight authority over the administration of the Senate Office Buildings, and services to the Senate, as established by Senate Rule XXV.

These hearings, and the exchanges which have preceded them have demonstrated to me the need for this committee, and the Sergeant at Arms Office to work together on another of the committee's express duties, that of studying the organization of the Congress with the objective of recommending improvement.

Increased demands upon Senate services and the tremendous technological sophistication involved in providing those services make express and explicit lines of communications of authority necessary, if the hundred million dollar company we call the Sergeant at Arms Office is to operate properly.

Senate custom and tradition regarding authority and accountability may well have sufficed in times past, but I believe that these hearings have clearly revealed that traditional and informal understandings of authority will no longer suffice.

I genuinely believe that any conflicts which may have arisen between this committee and the Sergeant at Arms's Office, is a product of the absence of clear and explicit lines of authority and accountability.

When matters regarding employment, management structure and organization are to fall under this committee's jurisdiction as an authorizing authority, then our rules and regulations should say so. This is not to say that such authority may not now exist. It is just that explicit language and understandings are nowhere to be found. I believe any such confusion should be remedied before the operations of the Senate are affected. I therefore urge this committee to work with the Sergeant at Arms's Office to develop and recommend explicit rules and procedures regarding the nature and degree of the authority over the office by the Rules Committee, by the Legislative Appropriations Committee, by the Office of the Majority Leader, and any other appropriate Senate body.

And I would like to join my colleague in commending you, Mr. Chairman, for conducting these hearings.

The CHAIRMAN. Well, I thank you, Senator Inouye, and I appreciate your help and participation.

Let me suggest to the committee that we operate under a ten minute rule so that it does not become a monologue as far as the Chairman, or anyone else, is concerned. Is that agreeable?

Senator FORD. It depends on who is keeping time.

The CHAIRMAN. Well, we will do it jointly, right?

Senator FORD. If you won't bother me, I won't bother you. How's that?

The CHAIRMAN. Mr. Garcia, if we could turn to your written responses.

[Referred to material follows:]

To: Rules Committee Members
 From: Rules Committee Staff

COMMENTS TO RESPONSES RECEIVED FROM THE SERGEANT AT ARMS IN
 AUGUST 11, 1986 LETTER

1. SAA Page 1 The Senate currently receives support from the three office automation vendors in the following areas:

<u>Type of Service</u>	<u>Annual Cost ('87 Budget)</u>
1. Customer Support	\$1,050,000
2. Software Support	450,000
3. Hardware Support	2,914,000
4. Training Support	929,000
TOTAL	\$5,343,000

Staff Comment: The total of \$5,343,000 on page 1 contradicts the estimate of \$48 million on page 3. The item on page 3 also ignores the fact that the committee directed vendor support and training over the objections of the then Sergeant at Arms (Larry Smith) and the Director of Technical Services.

2. SAA Page 2 **TERMINAL ALLOCATION:** The Technical Services staff of the Rules Committee established a terminal allocation policy which seriously constrains many Senate offices from effectively meeting constituent needs.

Staff Comment: On June 27, 1984 the Senate Committee on Rules and Administration adopted "Regulations Governing the Installation of Office Automation Equipment." The allocation was based on state population as published in the Senate Handbook.

3. SAA Page 2 Additional equipment has been issued without consistency and has resulted in an inequitable system of allocation in the Senate. The Computer Center has recommended that the Rules Committee abolish the existing allocation policy and that future equipment allocation policies reflect the needs of the Senate offices rather than limit the usefulness of the equipment which has been made available to them.

Staff Comment: If a Senator submitted a request in writing to the Rules Committee for equipment above their allocation, the request was given consideration by the Chairman. Where possible the request would be granted over the Chairman's signature.

Staff Comment: A written recommendation from the Sergeant at Arms to the Rules Committee regarding the allocation policy has not been received.

4. SAA Page 2 **"COORDINATING THE RELEASE OF SERVICES":** The Technical Services staff, however, arbitrarily and without consultation of Computer Center representatives approved the installation of laser printers in Committee offices. This has resulted in the stripping away of the Computer Center's

responsibility to evaluate the compatibility of equipment being released in the Senate, and has forced us to back equipment which we may not be capable of supporting.

Staff Comment: There is a demonstrated need for these and the Committee had no alternative but to authorize a pilot test in offices. A study of laser printers should have been undertaken by the Computer Center long ago but was not until numerous requests had been made by offices and by committee staffs. Each OA system is programmed differently and uses different control codes. Vendors go to great expense to make sure that their software and hardware work hand in hand. The OA vendors have certified that certain laser printers operate on their systems.

By letter to the Sergeant at Arms on January 31, 1985, the Chairman of the Rules Committee asked for a study and recommendations on the use of OCR equipment. To date, there has been no reply. There is a demonstrated need for OCR and it is a known fact that they work on the OA systems. When the Computer Center failed to act the Committee had no alternative but to authorize them.

5. SAA Page 3 CONTRACTUAL INTERFERENCE "I interpret this to include the initiation, negotiation, and finalization of contracts."

Staff Comment: Procurement Regulations for the U.S. Senate are outlined in "United States Senate Procurement Regulations" issued by Committee on Rules and Administration, U.S. Senate, July 26, 1979. These regulations state that the Chairman of the Rules Committee will appoint a contracting officer.

(Continued from "CONTRACTUAL INTERFERENCE")

"The Technical Services staff of the Rules Committee, however, was responsible for the Office Automation contract which has ballooned from its initial projected cost of \$12 million to the current estimated cost of \$48 million."

Staff Comment: On June 27, 1984 in the official transcript of proceedings, during discussion on the Office Automation contract the staff estimated that the cost of the system would be \$22-23 million for three years. The current Sergeant at Arms' estimated cost of \$48,000,000 has not been substantiated.

6. SAA Page 3 PERSONNEL: The decision of some employees to resign from the Computer Center (and in particular, one staffer's decision to work only part-time) can be attributed to verbal harassment by members of the Technical Services staff. The constant interference by Technical Services staff in the daily operation of the Computer Center has had a negative effect on employee morale.

Staff Comment: The Staff and others have investigated and found no basis for this.

7. SAA Page 3 PRODUCT PREFERENCE: In the past, the Technical Services staff has limited the options available to the Senate user community because of its preference for certain products

which have not always reflected a concern for functional reliance. Products have often been authorized and acquired without deferring to Computer Center staff for recommendations or evaluations.

Staff Comment: Vendors are very sensitive to the possible bias of brand preference by selection panels. In over 10 years of managing procurements, this charge has never been made by a vendor.

8. SAA Page 4 EQUIPMENT UPGRADES: The Technical Services staff unnecessarily involves itself in routine upgrades of equipment. In particular, its interference in the upgrade of the Computer Center's mainframe processor dangerously and needlessly threatened the delivery of services to the Senate.

Staff Comment: This was a \$4,000,000 procurement, hotly contested by two vendors. The computer center was faced with a protest that could have delayed the procurement by months until the committee intervened and insisted that procurement regulations be followed.

9. On Page 5 The ideal location for the Senate Computer Center would be in the Senate Office Buildings. Not only would this result in the savings of leasing costs, but the physical security problems would be largely eliminated as well.

Staff Comment: There is no space of this magnitude available in Senate office buildings. For the near future, at least, the Computer Center will have to remain "off campus".

10. On Page 5 A project to review alternative sites and begin preliminary negotiations with the lessor of the current site is about to be initiated by Sergeant at arms and Senate Computer Center staff, with assistance from the Rules Committee staff.

Staff Comment: The move to 400 N. Capitol required over two years of planning and site preparation. The lease expires June 1987 and there is no practical alternative to renewal of the lease at this time.

11. SAA Page 6 The (office automation) contractual agreements entered into by the Technical Services staff have impaired our flexibility from a procurement standpoint and the numbers of personnel required to support office automation. In that we have been committed for three years to OA, we may well be paying for equipment relegated to storage after post-election vendor changes are made.

Staff Comment: During discussion of the Office Automation system by the Senate Rules Committee on May 22, 1984, consideration was given to the pros and cons of using more than one vendor. The Committee members ultimately decided upon the three current vendors.

The Rules Committee has not yet made a decision regarding the vendor selection for new Senators entering in 1987. Senators returning in 1987 have a three year commitment.

12. SAA Page 9 The affect on ongoing operations has been that of maintaining or increasing services with fewer numbers of personnel. This has translated to improved morale and substantial savings.

Staff Comment: The statements about maintaining or increasing services are assertions unsupported or refuted by facts. Service Department printing production is way below normal because of the postal allocations under S. Res. 374. Whether the Service Department would have been able to function with a normal workload is a real question.

At the Computer Center, applications development seems to have come to a complete stop.

13. SAA Page 10 Response to question concerning new computer technologies into Senate offices.

Staff Comment: The Computer Center should continue to evaluate new technologies. The Rules Committee looks to them as our primary source for recommendations for change. We are reassured to learn that a complete replacement of all the office automation systems with microcomputers is no longer being advocated by the Computer Center..

14. SAA Page 11 The Senate Computer Center has been by no means unique in allowing system development to be technology-driven rather than user-driven; and, like other data centers, the Senate Computer Center must now take actions to communicate clearly to its staff as well as its user community that the essence of its mission is to satisfy user needs.

Staff Comment: The overall conception of how those needs are expressed, affirmed, and translated into approved work projects is seriously flawed. First, there is no new emphasis on the primacy of the needs of end users. That is and always has been the Rules Committee's primary concern. Secondly, it should be clear that not all needs are equal in importance, or in urgency, or in the effort it takes to satisfy them, and it should also be clear that not all the demands in the Senate can be satisfied at the same time.

The Rules Committee encourages the formation of user-groups to establish priorities. First, they protect the majority of users who may want a particular thing from being frustrated because the Computer Center's efforts are diverted by a vocal minority to activity of limited interest. Second, such groups protect all users from the propensity of programmers and hardware operators to work on or to acquire things the programmers and operators find interesting. The flaw is in thinking that this is a process that can go on solely between the Computer Center and the end-users. Ultimately, the Senators on the Rules Committee are the "final arbiters of system development" because they have been designated by their fellow Senators to ensure that services to the Senate operate the way Senators want.

15. SAA Page 17 and 18 DAILY PAID EMPLOYEES: From time to time, consultant services are required by the Office of the Sergeant at Arms. (The most recent example is the appointment of a consultant for the telecommunication contract.) This authority is used on an "as-needed" basis when it is evident that required personnel resources are not available within this office. In each instance, prior verbal approval from the Committee on Rules and Administration has been obtained, and it is our intent to continue this policy.

Authority contained in Sec. 6, PL-367 has allowed the Sergeant at Arms to employ individuals on a temporary and part-time basis to assist peak workloads of a cyclical nature.

Staff Comment: The Sergeant at Arms agrees that the intent of the first authorization permits the Sergeant at Arms to secure consultants in much the same manner as Senate Committees. Among other things, this means prior written approval from the Rules Committee. Verbal approval is not acceptable.

At the time of the second authorization, the auditor of the Rules Committee was advised by Sergeant at Arms staff that this additional language was necessary to allow them to hire temporary staff to meet peak work loads in the Service Department. (Please note that there isn't any language or legislative history to support that contention, or any other purpose.) In his response, the Sergeant at Arms essentially concurs with his staff's interpretation, but extends it to all sections under his jurisdiction.

16. SAA Page 18 continued from Daily Paid Employees: In the last 14 months, this office has used the authority of Sec. 6 on five separate occasions. In each instance the personnel hired were not used in a consultant capacity. This authority was first used in hiring personnel for a short period of time to provide assistance to the Sergeant at Arms. In all other instances, the personnel hired assisted either the Acting Director or the new Director of the Computer Center in day-to-day operations. In all cases, this office has coordinated the hiring of professional personnel under this authority with the Staff Director of the Committee on Rules and Administration.

Staff Comment: Contrary to the Sergeant at Arms response that the most recent authorization has not been used to hire personnel "used in a consultant capacity", the Senate Disbursing Office confirms that the Sergeant at Arms used the authorization for temporary staff to secure the services of three consultants to study and make recommendations on certain aspects of the Sergeant at Arms operation. (One of those consultants is the current head of the Senate Computer Center.) By appointment in that manner, instead of the prescribed method for consultants, the Rules Committee was bypassed. "Consultants" typically make studies or advise the employer and a "consultant" is understood to be a person or organization possessing the necessary professional qualifications and experience to assist the employer.

17. SAA Page 28 These statements again refer to the administrative role carried out by the Technical Services staff when acting in the capacity of "Contracting Officer".

Staff Comment: The response suggests that the Rules Committee errs when it appoints a Technical Services staff member as contracting officer for particular contracts. The Rules Committee is not just an authorizing committee, but exists to ensure that the Senate operates the way Senators want it to. There is no detail too small for the Committee's involvement if it wishes to be involved. Assignment of parking spaces is but one example.

The Rules Committee's roles have many analogies. From time to time it may play roles that in more structured organizations would be played by a budget office, a comptroller, an internal audit division, an inspector general, a management analysis division, or a procurement office.

With respect to procurements, the routine procurements are handled the way Mr. Garcia recommends: the Rules Committee approves the contract and the Sergeant at Arms or his designee is designated as the contracting officer. For a few highly sensitive matters, contracting authority is retained within the committee, in order to ensure that events subsequent to approval of the contract are in keeping with the Committee's intentions. Whenever this is done, the Sergeant at Arms is consulted on every step that has any financial, personnel, scheduling, or other impact on the Sergeant at Arms.

Mr. GARCIA. Mr. Chairman, if I might interrupt for just a second. Could I please be allowed a few moments to just make a brief comment here. I do not have a statement as such, but I do have a few comments to make, if the committee will allow me.

The CHAIRMAN. Surely.

Mr. GARCIA. I, too, Mr. Chairman, and Members of the committee, would like to thank you for the opportunity to meet with you once again, to continue discussions regarding the operations of the Office of the Sergeant at Arms.

Mr. Chairman, before I begin, I would like to say that there is every indication that this will be the final such opportunity to appear before this committee under your chairmanship.

In this regard I would like to say that, notwithstanding the differences of views that have transpired during the past year, I have gained a deep appreciation and respect for the accomplishments of this committee under your fine leadership, and the lasting contributions you have made to the United States Senate.

It is my understanding, and confirmed by your statement this afternoon, that the goal of this hearing is to further define and expand those issues which we discussed on July 30th of this year.

As such, I have not prepared an opening statement, but I would, Mr. Chairman, like to reiterate my commitment to implement the decisions of this committee.

It is not, nor has it ever been, my intention to interfere with this committee's prerogative. I do believe, however, that it is in the best interests of the United States Senate that more clarification be provided to distinguish the lines of authority between this committee and the Office of the Sergeant at Arms.

And Mr. Chairman, I am confident that today's hearing brings us closer to achieving that mutual goal. Therefore, I will be more than happy, at this time, to respond to any questions or concerns you, or Members of the committee may have.

Additionally, I have assembled my senior staff here today to provide any additional details you, or the Members of this committee may desire.

I do so, Mr. Chairman—that is, assemble my senior staff—because I need to be “up front” with you at the very beginning. As Members of your committee have already stated, the Office of the Sergeant at Arms has grown significantly over the last five years.

It is a large organization with a lot of responsibility and with the need of a lot of technical expertise. I have never, nor will I ever pretend to be an expert in any of these, particularly the technical areas.

So I do have staff here available today to answer whatever questions they might be able to shed more light on than I can.

The CHAIRMAN. Well, first of all, let me thank you for your very kind personal comments, and say that that feeling is mutual. You have always extended a high level of personal cooperation and many courtesies to me and I am very grateful.

Mr. GARCIA. Thank you, sir.

The CHAIRMAN. And we welcome the participation of your staff. In fact I think that would be one of the healthy byproducts of this experience, to involve as many members of your staff as possible in this, what I hope will be an educational exercise, and so that they

fully understand, as well as the Rules Committee fully understands, what each other are thinking.

So, if you want to bring any of them up around you, why, do it, or you can call on them individually as we go along. Either way you wish to proceed.

Now, turning to your written responses, on page 17, there were some questions raised regarding two authorizations the Senate has given your office, to procure the services of daily paid employees, one of which is subject to Rules Committee approval.

And I choose these because it seems to me they may prove to be examples of how we have to educate each other a little more fully.

The first authorization, which is the Section 117 of Public Law 97-51, Continuing Appropriations for Fiscal Year 1982, permits the Sergeant at Arms to secure the services of individual consultants by contract, or by appointment, at daily rates of pay, not to exceed the maximum per diem equivalent for committee staff.

It is noted that this authorization was later amended to permit contracting with individuals and organizations for consultant services. In all cases, the consultant services must be approved in advance by the Rules Committee.

Now the second authorization that is involved is Section 6 of Public Law 98-367, which was Legislative Branch Appropriations for Fiscal Year 1985. And that permits your office to hire staff at daily rates of pay not to exceed the maximum per diem equivalent for committee staff.

But unlike the previous authority, the appointment of such individual is not subject to prior Rules Committee approval.

Now before I get to the actual question, let me just make a comment, parenthetically, that on the succeeding page of your responses, you indicated that the policy of your office was to get prior verbal approval before securing the services of consultants.

And it would seem to me that the statute requires something a little more formal than that. The statute, I believe, implies that all requests and approvals must be made in writing, but that is a point, that by reference to the statute, can be determined. I wanted to raise that with you. Now, on page 18, you indicated that the authority to hire temporary staff allows you to employ individuals on a temporary and part-time basis to assist peak work loads of a cyclical nature.

What is your understanding of the original intention of this authorization to temporarily supplement the staff? Was it not really to supplement the staff in labor-intensive tasks such as machine operators in the service department?

Mr. GARCIA. Mr. Chairman, may I ask you where—you are on page 18?

The CHAIRMAN. Of your responses, yes.

Mr. GARCIA. All right, sir.

The CHAIRMAN. I can read the quote. You will find it on page 18. You said that the authority allows you to, quote, "employ individuals on a temporary and part-time basis to assist in peak work loads of a cyclical nature." End of quote.

And my question is, was it not the original intent of the authorization to permit you to temporarily supplement the staff and sec-

tions under your jurisdiction that perform labor-intensive tasks, such as the machine operators in the service department?

Mr. GARCIA. Yes, sir. That is correct.

The CHAIRMAN. Now, given the guidelines that are set forth in the statute on pay, what is the maximum pay that you find it necessary to expend?

Mr. GARCIA. As the Public Law states, not to exceed the salary of committee staff.

The CHAIRMAN. That is \$72,400 per annum.

Mr. GARCIA. Yes, sir.

The CHAIRMAN. Do you have to get anywhere close to that when you are paying temporary workers at daily rates?

Mr. GARCIA. If you are asking do you have to pay that?, I would have to say no, you do not have to pay that. I would interpret that as being a ceiling, Senator.

The CHAIRMAN. Well, I am really asking, are you paying that or anything close to that?

Mr. GARCIA. I do not believe I am paying that, Senator, or close to that at this point in time.

The CHAIRMAN. Is this authority being used for any other purpose?

Mr. GARCIA. At this point in time we are using, I am using the authority to supplement the current TV operations.

The CHAIRMAN. But that is the only other use?

Mr. GARCIA. Yes, sir. To my recollection, that is the only case that comes into play at this point in time.

The CHAIRMAN. Now you also indicated that in the previous 14 months you had only used the temporary staff authority on five occasions, and that in each instance, the personnel hired were not used in a consultant capacity.

The committee's definition of a consultant is a person or organization possessing the necessary professional qualifications and experience to make studies, or to advise the employer on matters within the employer's jurisdiction. Such services are provided on a temporary or intermittent bases.

Were you aware of this definition?

Mr. GARCIA. Yes, sir.

The CHAIRMAN. Does the definition pose any problems for you?

Mr. GARCIA. No, sir.

The CHAIRMAN. Well, then you feel that the employment that you have engaged has fallen within the definition?

Mr. GARCIA. Yes, sir. I do.

The CHAIRMAN. All right. Now earlier this year, you appointed Victor Ferreros, James Shea, and Herman Lujan, as temporary employees of the Sergeant at Arms.

What services did they perform, and what were their particular qualifications to perform those services?

Mr. GARCIA. I do not have before me their resumes, Senator. I think I have provided it to the committee, but I will be more than glad to provide that anyway. But their qualifications were long-standing. Each and every one of them have a long, distinguished career in the field of computer science and related disciplines.

I happen to know two of those individuals. I have had the pleasure of knowing them for quite some time. now. Dr. Shea I did not

know, but he came on the recommendation to Dr. Lujan and Dr. Ferreros.

At a time when the Senate computer center was undergoing some drastic changes, particularly after management had departed, I needed a quick, reliable and professional assessment of where the computer center was at the time; where we needed to go; and how we could do that.

I pondered a number of ways to do that, Mr. Chairman. I asked for the staff to take a look at what resources we might be able to use in doing that.

Staff came back to me and told me that we in fact could do that, but that it would take a significant amount of time before they could get here to do that analysis, to do that evaluation for me, and quite frankly, Mr. Chairman, I did not have that time.

That is when I contacted Dr. Lujan, whom I have known for many years, and he and I sat down and talked about what I wanted, what I needed, and he felt that he could do that for me.

The one element that is a part of this scenario, Mr. Chairman, is the faith, truth, and confidence that I have in Dr. Lujan, that I have in Dr. Ferreros, to do a good job for me, to be honest with me, and to essentially provide me with recommendations as to which way to go.

They in fact, Mr. Chairman, in my opinion did that, and, as a result of those recommendations, I believe that the computer center is in fact on the right road and providing, and will provide excellent service to the United States Senate.

The CHAIRMAN. I think we would probably agree that they are professionally qualified individuals who were qualified to advise you on certain aspects of your operations. We will stipulate that.

But the question is, why would you engage them on a temporary basis rather than appoint them under the consultant authority, which, it seems to me, is that their role really was? Because that would have required the consent of the Rules Committee?

Mr. GARCIA. Well, I did not see them as consultants, Mr. Chairman. I saw them as part-time, if you will, employees, helping me run the computer center. Helping my staff that I had assigned to watch over the computer center. Helping us to in fact continue providing service to the United States Senate.

The CHAIRMAN. But you can understand, from the answer you just gave us as to what they were doing, which was to make a study provide you with expert advice, that from the point of view of the committee they look like consultants.

Mr. GARCIA. Well, in my view, Mr. Chairman, they were temporary employees.

The CHAIRMAN. And they actually performed a major portion of their services before the computer center was in operation, is that not true?

Mr. GARCIA. No, sir. That is not true.

The CHAIRMAN. Well, before the—let me put it this way—not before, obviously, the computer center was in operation but before their predecessors had departed?

Mr. GARCIA. I do not have the exact date, Senator, but I do recall my having been in touch with them about the situation at the computer center.

The CHAIRMAN. And their predecessors were in place at that time?

Mr. GARCIA. Yes, sir.

The CHAIRMAN. So they were not coming in to fill in empty slots?

Mr. GARCIA. No, sir.

The CHAIRMAN. Well, since this is a mutual educational process, from our point of view they look like consultants who normally would have passed through the committee process.

My time has expired and I yield to Senator Ford.

Senator FORD. Let's just follow up on the Chairman's question. Are these three people still employed by your office?

Mr. GARCIA. No, sir. The three are not. One of the three is.

Senator FORD. One of the three still is. He is a permanent employee?

Mr. GARCIA. Yes, sir. He is now the director.

Senator FORD. What were you paying the three as consultants on an annual salary? The maximum?

Mr. GARCIA. It is maximum. Yes, sir; maximum.

Senator FORD. Paying them about 72,400?

Mr. GARCIA. Yes, sir. \$202 a day, whatever that works out to be.

Senator FORD. I recall calling the staff director, Mr. John Childers regarding this, and as the Chairman pointed out, perhaps this needs to be a little more formal than what transpired, but I do recall having a conversation with John about this.

And there did not seem to be any problem with—

Senator FORD. Well, let's just quote from your page 18, if you want to follow me there.

Mr. GARCIA. All right, sir.

Senator FORD. Regarding the hiring of temporary staff, you said—and I quote: "In all cases this office has coordinated the hiring of professional personnel under this authority with the staff director of the Committee on Rules and Administration." End of quote.

Is it not true that this coordination took place some time after these three individuals had been appointed?

Mr. GARCIA. No, sir.

Senator FORD. They had not?

Mr. GARCIA. No, sir.

Senator FORD. Remember you are under oath.

Mr. GARCIA. As far as I can recall that was—

Senator FORD. Now we are getting into "as far as I recall." Okay.

Mr. GARCIA. That is the best I can do, sir.

Senator FORD. Okay. You just were very positive until I reminded you of that.

So you are saying that you consulted the committee prior to their employment, one. Two, only one is still working as a permanent employee. And three, they were all paid \$72,400, annual salary.

Now—

Mr. GARCIA. Senator, just for the record, since I am under oath, and I want to make sure that everything is clear. It is \$202 a day, whatever that works out to be.

Senator FORD. I do not know. You know, you run the computer center. I have a typewriter.

Mr. GARCIA. Well, if you will allow me some time, I will be glad to give you the figures.

Senator FORD. Go right ahead. I have got plenty of time.

[Pause.]

Senator FORD. That is about 73,730, somewhere in that neighborhood, if I am—

Mr. GARCIA. I would like to make sure that that is—

Senator FORD. Okay.

Mr. GARCIA [continuing]. The correct figure.

Senator FORD. Oh, a 360-day year. What happened to the other five? We lost them. Okay. That is typical.

So that is 72,000. Now, let me ask you this question. For the purpose of official travel reimbursements, employees can be reimbursed only for those expenses incurred while away from their official duty station, is that correct?

Mr. GARCIA. Yes, sir.

Senator FORD. Thank you. And why, then, were two of these employees, one given the duty station of Anchorage, Alaska, and the other one, Seattle, Washington?

Mr. GARCIA. If I can call on my staff who work those details, Senator, I will be more than glad to provide you—

Senator FORD. Well, that is just like asking your wife to explain your problems.

Mr. GARCIA. It is usually the one that has caused them.

Senator FORD. I want the record to state that the wife is the one that caused the problems, so you are the one who is causing the problems, according to the Sergeant at Arms.

Mr. GARCIA. My budget assistant.

Mr. HOLMBERG. Senator, my name is Bruce Holmberg. I am director of Facilities and Financial Management with the Office of Sergeant at Arms. Given the chronology of events surrounding the employ of these three individuals, I would like to back up just a little bit to state how the problem unfolded to us.

First of all, the recognition of a need for someone outside the agency to come in and take a look at what had, to that point, been a cry for additional resources—

Senator FORD. Well, I understand that you did not have time to get outside consultants.

Mr. HOLMBERG. That is right.

Senator FORD. Therefore you took them from the staff, and you hired those before those that were in place left, is that correct?

Mr. HOLMBERG. Yes, sir.

Senator FORD. Okay. That is fine, now. Okay. Just do not tout him now; you called him up here as your wife.

Mr. HOLMBERG. Once the decision was made to bring in these temporary employees, it was then looked at within existing authority, treating these individuals as temporary employees, and what mechanism, within existing authority, would allow us to also pay for their travel and per diem while they were here, in Washington.

One of the mechanisms that was identified as being available to us was to hire them with a duty station other than Washington, D.C. In other words, we could then bring them in here from their duty stations, which were Alaska, and I think Washington State, pay for their hotels while they were here, and then return them.

We looked into this with the Office of the Secretary, in the Disbursing Office. It is not necessarily a mechanism that would be used very often on the part of the Sergeant at Arms, in that he has no specific responsibilities in the States.

However, in this specific case, there was not anything to keep us from doing that. And again, the original intent was kind of following the approval gained in hiring these people as temporary employees and not consultants.

Senator FORD. Let's see if I have this straight.

These individuals were on the staff at the time they were brought onto the Sergeant at Arms' Office as temporary employees.

The people were basically replaced after they came to the Sergeant at Arms' Office were still in their positions. These people I guess were in Washington at the time. In order to give them more than \$72,400 a year on an annual basis, with them already here in Washington—am I correct, they were here? In order to pay their expenses such as hotel, motel, rooms, food, those sort of things, then their original homes, I guess, were used as their base of operation.

So what we find here is a fix which you say was approved by the Secretary of the Senate, and the Disbursement Office, that you could do this. So, with three individuals living here, in Washington, on the staff of the Sergeant at Arms Office, were given a home station of Alaska and the State of Washington, so you could pay them in excess of the \$72,400.

Now their expenses here, was that the normal cap? If I bring somebody up from Kentucky to go to school on Social Security problems, or changes in the law that we are dealing with, would their maximum be the same as the Senate employee's maximum?

Mr. HOLMBERG. Well, Senator, first of all, I did not mean to connotate that the Secretary of the Senate, by any means approved this; however, the staff of the Office of the Secretary offered it as an administrative remedy in response—

Senator FORD. Oh, the Secretary of the Senate offered that as a remedy?

Mr. HOLMBERG. As a potential administrative remedy within authorities, given the whole scenario with these temporary employees, but in no way approved it.

Senator FORD. Well, somebody had to approve it.

Mr. HOLMBERG. Yes, sir.

Senator FORD. The Sergeant at Arms approved it?

Mr. HOLMBERG. Yes, sir.

Senator FORD. Okay. So the Sergeant at Arms approved just moving them from one office to the other—and they probably stayed in the same office, maybe—from their present position to the Sergeant at Arms' Office as an employee, on a temporary basis, instead of using Washington, DC, as their work station, where they live. Then he used Anchorage, Alaska for one, and Seattle, Washington for the other.

Now I do not know how much they were allowed on that, but you are very "up front" and you said it was a way to get around. I do not know what you were trying to get around, but probably neither one of the three were making more than \$72,400 a year.

Mr. HOLMBERG. Senator, I do not know that there was anything to "get around." Once the preliminary decision had been made, that indeed, the Sergeant at Arms had authority to bring in these individuals as temporary employees, and the administrative provision was recommended to us, or offered to us, that would allow us to also pay for their expenses—this had been discussed at several different staff levels.

Senator FORD. Well, let me ask you this question, then, if I may.

What was their salary prior to their temporary employment? What was their salary paid to them by the Federal government prior to their temporary employment by the Sergeant at Arms Office?

Mr. HOLMBERG. Senator, they were not employed by the Federal government. We would have been unable to bring them in as temporary employees.

Senator FORD. Well, who were they employed by?

Mr. HOLMBERG. Various entities. I think colleges or universities. One was State government of Alaska. We can provide that, and the salaries.

Senator FORD. Well, I was left with the impression that they were employees of the Federal government at the time they were—

Mr. HOLMBERG. No, sir.

Senator FORD. They were not?

Mr. HOLMBERG. No, sir.

Senator FORD. Okay. But they were here in Washington?

Mr. HOLMBERG. We brought them to Washington; yes, sir.

Senator FORD. From their working stations?

Mr. HOLMBERG. Yes, sir.

Senator FORD. Okay. And I get to back up a little bit, do I not? A couple of steps back you should have stopped me.

This is their work station, though, is it not? Washington? Is my ten minutes up, Mr. Chairman? Good.

Washington D.C. is their work station?

Mr. HOLMBERG. They were brought to Washington to perform the actual work. Now their duty station in terms of their employment was their home States.

Senator FORD. That was just a way you could get around, so you could pay their expenses?

Mr. HOLMBERG. I prefer administrative remedies.

Senator FORD. Well, the administrative remedy, get around it, however you worked that one.

Now, a piece of my problem is right. They worked here, they were here, and they were not hired as consultants. They were hired as temporary employees by the Sergeant at Arms Office.

Mr. HOLMBERG. But I would like to just make one point very clear, that is recognizing the very fine line we were walking, consultant versus temporary employment, Rules Committee approval versus go out and do it, we made a very large attempt to sit down with the staff director of the committee, and explain the reasoning behind why our time constraints were such, and explain our need to bring these people in in this manner.

Senator FORD. Mr. Chairman, I think my time is up.

The CHAIRMAN. Senator Warner, do you—

Senator WARNER. I pass, Mr. Chairman.

The CHAIRMAN. Senator Inouye.

Senator INOUE. Can I ask a question of the staff. When a consultant is hired, is it on contract?

Mr. DOHERTY. Senator, it can be done by either contract, or it can be done by appointment at daily rates of pay.

Senator INOUE. If it is done by a daily rate of pay, does it become daily rate, temporary?

Mr. DOHERTY. Daily rate, temporary?

Senator INOUE. Yes.

Mr. DOHERTY. Well, they are called "when actually employed" employees, which means that we would only pay them for the days that they work. In most cases, such employees will not work a 30-day month, which is the basis upon which annually-paid employees are paid.

Senator INOUE. So it is by contract?

Mr. DOHERTY. No.

Senator INOUE. So it is by contract?

Mr. DOHERTY. No. Offices that are empowered to use consultants have the option of either contracting with them, or appointing them as daily paid employees.

Senator INOUE. How much do consultants usually get paid?

Mr. DOHERTY. If they are appointed, then by law, they can receive no more than the daily equivalent of the maximum salary of the committee staff, which is just about \$202 per day right now. If they are secured by contract, up until a few years ago it was the committee's policy to restrict such payments to the same daily rate of pay. But there is nothing in statute, or adopted guidelines that restrict that, and we have allowed contractors to be paid a maximum rate of pay in excess of that which could be paid to appoint a consultant.

Senator INOUE. Do we have a lot of those?

Mr. DOHERTY. A lot? We might have a dozen or so, annually. It is not that many.

Senator INOUE. By maximum, what are you talking about?

Mr. DOHERTY. For the appointed.

Senator INOUE. No. For the contractors.

Mr. DOHERTY. Well, it varies.

Senator INOUE. What is the highest single rate?

Mr. DOHERTY. I can recall one instance where we paid a contractor with the Intelligence Committee in the investigation of Mr. Casey, we paid counsel \$100 an hour, and an associate counsel \$80 an hour. So it came to \$800 a day if they worked a full day. I guess that would be the maximum.

The CHAIRMAN. If I can interject, all of those contracts or arrangements are submitted to the committee for approval.

Senator INOUE. How long were these three men hired?

Mr. GARCIA. I do not have the exact date. Approximately two weeks, Senator. Approximately two weeks.

Senator INOUE. All three of them?

Mr. GARCIA. Yes, sir.

Senator INOUE. If you had to hire them as consultants, about how much would you have had to pay them, by contract? The days would be what? Ten days of work?

Mr. GARCIA. Yes, sir.

Senator INOUE. Two thousand dollars?

Mr. GARCIA. Yes, sir.

Senator INOUE. So we are not talking about \$72,400, are we?

Mr. GARCIA. No, sir. I have never been under the—

Senator INOUE. So basically you would have hired Mr. Lujan for \$2,000, plus transportation?

Mr. GARCIA. Do I think I could have hired him for \$2,000? You mean for the time he was here?

Senator INOUE. On a contract, not knowing how long he was going to be around.

Mr. GARCIA. Senator, I do not know. But what drove us, what drove me to make that decision is I did not have the time. I needed to move very quickly. In fact I was—I do not want to use the word desperate—but for the lack of a better word, at this point in time, I needed someone here very quickly, and so that is why I chose the manner in which I hired him.

Senator INOUE. So these men were not hired for a year?

Mr. GARCIA. Oh, no, sir. Not at all.

Senator INOUE. Just two weeks?

Mr. GARCIA. Yes, sir.

Senator INOUE. May I ask the staff, what is the average length of service for these consultants that we hire?

Mr. DOHERTY. It will vary, depending upon the employing office. We do have some consultants in the Senate that serve upwards of a year at a time. Others may come in for as short a period as two or three days.

Senator INOUE. I was under the impression that they were hired for most of the year, but they were not?

Mr. GARCIA. No, sir; not at all.

Senator INOUE. So how much did Mr. Lujan receive for his services?

Mr. GARCIA. Two thousand plus expenses; travel; housing.

Senator INOUE. And how much did Mr. Shea receive?

Mr. GARCIA. I believe they all received the same amount.

Senator INOUE. I see. Thank you very much.

Mr. GARCIA. Yes, sir.

The CHAIRMAN. Just in passing, let me comment, that as to my state of information on this subject that in fact you did call the staff director and raised a question about the travel expenses, and that he agreed to look into the question.

But that when we called your office to get some additional details, we found that these people were already on board under this authority.

Mr. GARCIA. I do not recall that phone call. Who did they talk to, Senator? I do not recall that phone call.

The CHAIRMAN. Well, my state of information is, subject to being corrected both by the staff and by you, that this already had occurred.

So that this actually seems, from that point of view, that the coordination would have taken place after the actual hiring.

Mr. GARCIA. That is not my recollection, Mr. Chairman.

The CHAIRMAN. Are there any other employees assigned to duty stations other than to Washington, DC?

Mr. GARCIA. No, sir.

The CHAIRMAN. Have there been?

Mr. GARCIA. In the case that we just discussed—

The CHAIRMAN. Other than these cases.

Mr. GARCIA. Not that I can recall at this point in time, Mr. Chairman.

Mr. HOLMBERG. Mr. Chairman, I think that beyond the one-time occasion when these three individuals were brought in, there may have been one or two individuals beyond that time, in which the same type of activity was used. And again, with the clearance, as I recall, of the staff director.

And this was shortly after the appointment of Dr. Ferreros as director of the computer center.

The CHAIRMAN. And now for what reason on that occasion?

Mr. HOLMBERG. There were two areas, given the attrition that took place in the center, that were, in the estimation Dr. Ferreros, in critical need of assessment, as well as some workload areas that needed to be addressed immediately upon his arrival.

It was for this reason that—it was either one or two individuals that were brought in.

The CHAIRMAN. And were they consultants or were they—

Mr. HOLMBERG. They were also termed as temporary employees.

The CHAIRMAN. But what did they do?

Mr. HOLMBERG. Dr. Ferreros could answer that much better than I could.

Dr. FERREROS. They actually performed a variety of tasks for me, including helping me out with determining certain kinds of procurement. Technical issues such as whether or not there were problems with respect to some disc storage requirements that we had, some problems that we had in that area. But basically, technical kinds of questions.

The CHAIRMAN. They were experts?

Dr. FERREROS. They were, yes.

The CHAIRMAN. And they were consulting and advising?

Dr. FERREROS. Yes.

The CHAIRMAN. So they really were here as consultants?

Dr. FERREROS. No.

The CHAIRMAN. Well, they were here—you just said yes when I asked you if they were consulting and advising.

Dr. FERREROS. Well, these were day-to-day kinds of things that I had to consider as director. When I first came in there, I was swamped with a host of issues, some of which I could not examine myself, in detail. Some of these were highly technical in nature, and they were actually on site, observing regular office hours, and acting as employees, and advising me on these day to day matters, one of which was a disc drive, for example, Senator.

The CHAIRMAN. But you have almost given me the classic definition of a consultant. You know, I am not playing games over semantics with you.

It sounds as though what they did was consult. They advised you as to highly technical matters.

Dr. FERREROS. Well, they certainly did that. I cannot deny that. I am not as familiar with the distinction of consultant or temporary employee.

But they certainly assisted me in day-to-day operations. In that case I considered——

The CHAIRMAN. Because it is very important that you be one of the people who understands the process. The committee definition of a consultant is a person or organization possessing the necessary professional qualifications and experience to make studies or advise the employer on matters within the employer's jurisdiction. Now it sounds to me as though that is exactly what these people did.

Dr. FERREROS. Well, again, my understanding of consultant simply was not a distinction that I was aware of when I first came to the Hill.

The CHAIRMAN. Do you understand what the committee's definition of a consultant is?

Dr. FERREROS. Yes, sir.

The CHAIRMAN. And that is the last word, and that is a person or organization possessing the necessary qualifications and experience to make studies or advise, which is exactly what you said these people did.

Dr. FERREROS. Well, no studies were conducted.

The CHAIRMAN. They advised you on technical matters is what you told us.

Dr. FERREROS. Well, they all discharged some functions which would again not be something that I would expect a consultant to do, sir.

The CHAIRMAN. To get back to the travel expenses, do I understand that these individuals got travel as well as living expenses in Washington?

Mr. GARCIA. Yes, I believe that is correct.

The CHAIRMAN. And that was over and above the \$2,000 that they each got?

Mr. GARCIA. That is above the per diem, yes, sir.

The CHAIRMAN. And they performed about ten days of service?

Mr. GARCIA. Yes, sir.

The CHAIRMAN. So they got about an average of roughly \$200 a day, plus travel, plus living expenses?

Mr. GARCIA. Yes, sir.

Senator FORD. Mr. Chairman, I have the feeling that the good doctor understands more about his professional work than he does about administrative gimmickry and I hope that what his statement—in my opinion he is doing a pretty good job and I do not want anything to reflect on him, if possible. I do not want us to imply any wrongdoing on his part. I might put that in the record as to how I feel up front.

The CHAIRMAN. Well, I——

Mr. GARCIA. Senator, may I ask a question?

The CHAIRMAN. Surely.

Senator FORD. The Chairman has got control.

Mr. GARCIA. Senator, with all due respect, may I ask you if you are inferring that there is wrongdoing on my part?

Senator FORD. I am not saying that there is wrongdoing, but you certainly admitted trying to figure out a way of how to get people here quick and pay them their expenses without coming to us with the consultant contract, and everything that has been done here falls under the definition of a consultant and a consultant's con-

tract as defined by the committee. Now you have worked out a way and always you will find ways to get around this. Not only did you do it once, you did it twice. I am not inferring that anything was wrong, but you just did not clear it. You did not have to. You figured out a way where you did not have to come to the Rules Committee and I do not like that and I am going to continue to dislike that. The mandate is given to us and people come to me and say why did this happen, how can they do that, you know, when clearly the responsibility is given to the Rules Committee.

Now, I will get into some other things in a minute where you get verbal clearance and go on with it—well, the committee has not approved it and therefore you go on with verbal approval which could be turned down and then where he is left hanging. Who pays the bill? You painted a pretty good picture over the telephone, you know, and you get so-called verbal approval, that is what you say, and then you move on. What if we do not approve the contract? Do they know up-front that they may get stuck? I am not sure. So there are a lot of things here that I think is gimmickry or, if you want to put it another way, it is a way to get around the rules.

As we define it, everything that has been said here, these people were consultants. You needed advice.

Mr. GARCIA. Yes, sir.

Senator FORD. You needed counsel.

Mr. GARCIA. Yes, sir.

Senator FORD. All right. And you needed those to come in and sit down and consult with you. All right, that is exactly what consultant contracts are for and you found a way with advice and counsel of several offices, not just yours, to get around it so that you got them here so the Rules Committee would not have to approve them. And by the time you figured out how to get them here and how to give them some additional expenses, you know, you have to figure out a way to give them expenses, which would have been under a normal contract, so you just go around the Rules Committee and I do not like that. I do not think you would like it if you were sitting over here on my side of the seat. Maybe some of these things you have to do, but right is right and wrong is wrong and the shades of gray in between are not too good.

Mr. GARCIA. Senator, I appreciate your concern and I appreciate your interpretation of what is a consultant versus a temporary employee and I—

Senator FORD. An employee was brought on under the guise of temporary employee in order to be a consultant. Now, temporary employees are not subject to the normal rules of a permanent employee, and there is no definition saying how long a temporary employee can stay on as far as I can find—I do not get a chance to read all of the statutes, all of the rules. Is there a limitation for temporary employees, time they can stay on the payroll?

Mr. GARCIA. There is no limitation.

Senator FORD. Okay. So you can put temporary employees on for a long, long time. As long as you are there you can have temporary employees on and draw \$72,400 a year at \$202 a day. Now, I have been around a little while, Mr. Garcia, and I understand what is going on and it is easier to throw a grenade than it is to catch one and I understand that and I may be throwing you a grenade. Still,

my responsibility is my responsibility and, by dang, I am going to try to do it.

Mr. GARCIA. Senator, I echo you, the same words you use about my responsibility. I would hope that you and the rest of the committee would take a look at why this was done, no mal intent, no mal intent, and I repeat that and underscore that.

Senator FORD. The road to hell is paved with good intentions.

Mr. GARCIA. What I intended was to serve the United States Senate. I had a situation that I needed to address immediately and I did so with the best interests of this great institution. Now, if I did not interpret a few words, a couple of words, "consultant" and "temporary employee" as you have or the committee or the committee staff, then I think this kind of hearing is exactly what we need, this kind of hearing is exactly what I have been promoting, so that we can come to some agreement, so that we can have some written policies, so that there can be some very clear rules, regulations, guidance as to what we do, when we do it and when we do it with. So once we—

Senator FORD. You are going to get them. You are going to get them. I guarantee you, if I have to dot every "i" and cross every "t", you are going to get them.

Mr. GARCIA. Senator, I would not—

Senator FORD. And then you can find an interpretation of that so you can get around it. I have been around here long enough.

Mr. GARCIA. I welcome it.

Senator FORD. I understand what you are saying. If I was in your position, I would be bound to this tribunal myself.

The CHAIRMAN. Let me close up this subject, at least as far as I am concerned, with the balance of my time. Had there been any consultants hired for the Computer Center prior to this group?

Mr. GARCIA. No, sir, not that I am aware of and certainly not since I have been here. When you say consultants—

Senator FORD. Temporary employees.

The CHAIRMAN. Studies—

Mr. GARCIA. I do not recall whether that study was ongoing after I was confirmed or not, but I am aware of organizations and groups and other people having come on and done some work with the Computer Center, but whether it was done when I had become Sergeant at Arms, I do not recall that.

Ms. MORRISON. We did contract with a firm to come in and do a study. That is all that has been done under Mr. Garcia's—

The CHAIRMAN. I am talking now before this—

Ms. MORRISON. Yes, that is correct.

The CHAIRMAN. What were the findings of that study?

Ms. MORRISON. The findings of the study, to the best of my recollection, was that we needed to have more centralized managerial responsibility, that we had duplicative, top-heavy managers. I believe at that time the ratio was something like one manager for every three employees, which was a very high ratio compared to market studies which at that time indicated a ratio of one manager to 17 employees.

The CHAIRMAN. Now, turning from that subject to OA, on page one of the response you show the total cost for vendor support for 1987 to be \$5,343,000. On page three, you say, "The technical serv-

ices staff of the Rules Committee, however, was responsible for the office automation contract which has ballooned from its initial projected cost of \$12,000,000 to the current estimated cost of \$48,000,000."

Senator FORD. Mr. Chairman, I apologize to you and I do not want to do this. Let us go back to this consultant group that you talked about that was hired because you were top-heavy on management. Did you ever get a written report from that consultant group?

Mr. GARCIA. Yes, sir, we did.

Senator FORD. Where is it?

Mr. GARCIA. It has been shared.

Senator FORD. It has been shared?

Mr. GARCIA. Yes, sir.

Ms. MORRISON. I am under the impression that it has been given to the committee, sir.

Senator FORD. You had one that was an oral report.

Mr. GARCIA. That was, I believe—

Ms. MORRISON. That was a GAO study that was given to us in a briefing. That was an oral briefing, but that is—

Senator FORD. An oral briefing?

Ms. MORRISON. From the General Accounting Office, that we did request to come in. They did give us an oral briefing.

Senator FORD. Did you have a written briefing from GAO?

Ms. MORRISON. No, sir, we did not.

Senator FORD. Okay. Fine.

The CHAIRMAN. All right, now going to the OA program. You said, "The technical services staff of the Rules Committee is responsible for the Office of Automation contract which has ballooned from its initial projected cost of \$12,000,000 to the current estimated cost of \$48,000,000." Right?

Mr. GARCIA. Yes, sir.

The CHAIRMAN. I think, incidentally, there must be a typo there, because the committee estimate was \$22,000,000, not \$12,000,000. But that estimate did not include the cost of vendor support which was subsequently authorized, so we are looking at—

Mr. GARCIA. Mr. Chairman, I do not have all the figures with me, but I believe that that figure is correct, that that was the initial estimate of what the implementation of the Office Automation project was going to be, and the Senate staff estimated that by the time the final case is complete the Senate would have spent \$48,000,000 or close to it.

The CHAIRMAN. If you will look at the transcript of June 27, 1984, I think you will see the estimate was \$22,000,000 to \$23,000,000, and that did not include the vendor support which was subsequently authorized. But my question at this point is can you reconcile the \$5,343,000, which is your 1987 estimate with the projected cost of \$48,000,000 for the three years of the contract?

Mr. GARCIA. Yes, I can, Senator. That is only support that we are estimating to spend in fiscal 1987. The rest of it really consists of lease purchase or lease payments to the vendors for the actual equipment themselves for systems that we are procuring for the committees that were not originally included in the estimate, as well as—but this is only—I guess what I am saying is that this is

only a fraction of what we are currently paying for office automation.

The CHAIRMAN. Well, where are we on the three-year program?

Mr. GARCIA. There are no—

The CHAIRMAN. For the projected total cost, where are we now?

Mr. GARCIA. We are now at the end of the second year and we will be getting—next year will be our last year on the office automation.

The CHAIRMAN. And what will the total cost be?

Mr. GARCIA. We are estimating \$48,000,000 at the end of next year.

The CHAIRMAN. And how does that \$48,000,000 break down between the material costs and the vendor support costs?

Mr. GARCIA. I do not have those figures right now with me, Senator. I can provide them to you.

The CHAIRMAN. Perhaps more importantly is where are you getting this kind of money.

Mr. GARCIA. Well, as far as the \$48,000,000, it is a program cost and it is annualized over three years. Obviously, we are carrying portions of that cost in our annual operating budget.

The CHAIRMAN. Well, I think it would be useful if you would give us a breakdown of just where we are.

Mr. GARCIA. Yes, sir, we will.

The CHAIRMAN. What the precise costs are in each category and how they are being funded.

Senator Ford?

Senator FORD. Mr. Garcia, let us look at the first item on page 6 of your August 11, 1986 letter. To me, you seem to be saying that your freedom of action is restricted by the existence of contracts between the Senate and the vendors of office automation systems, and you state that such contracts or agreements were entered into by the technical services staff of this committee. Such a view reveals, in my opinion, a lack of understanding of the contracting process. The staff does not enter into contract agreements. Do you agree with that?

Mr. GARCIA. I am learning, Senator. I will accept that, yes, sir.

Senator FORD. All right. The committee, through the Chairman, is party to each contract.

Mr. GARCIA. All right, sir.

Senator FORD. So the staff does not sign anything. And your statement, "Contractual agreements entered into by the technical services staff" also implies a lack of awareness of the role the Computer Center staff and the Sergeant at Arms plays in defining the terms of the Office Automation Contracts and of the role of this committee in reviewing and approving them.

Let me ask you this, did the previous Sergeant at Arms and the previous Director of the Computer Center not apprise you of your organization's role in this process?

Mr. GARCIA. Not sufficiently, Senator. I do not know whether it was because they failed to do so because of lack of time or because they did not know. I do not want to cast any negative impressions on either one of those two. I cannot speak for them. I can only tell you that I did not get my opinion of what was needed in the way of an explanation of the relationship between the committee staff and

the Senate Sergeant at Arms and in particular the Computer Center.

Senator FORD. Well, are you suggesting here that the Senate could have obtained office automation systems without entering into contracts?

Mr. GARCIA. No, sir, I am not.

Senator FORD. Your statement about equipment being relegated to storage implies an assumption, as I see it, on your part that newly elected Senators will be able to select equipment other than that used by their predecessors. Whether that will be permitted or not is a decision this committee has not yet made.

Mr. GARCIA. Yes, sir.

Senator FORD. But it is a decision that will be made only by this committee.

Mr. GARCIA. I have never suggested otherwise, Senator.

Senator FORD. I just want that out front.

Mr. GARCIA. Absolutely.

Senator FORD. The implication was that we would not have to do that but we will.

Mr. GARCIA. I hope it is clear that my response recognizes that.

Senator FORD. All right. At the appropriate time, if we decide to favorably consider allowing changes in equipment, we will ask you for a cost estimate and the decision will be made with the cost impact in mind. Do you agree with this process?

Mr. GARCIA. Absolutely, Senator.

Senator FORD. There is no disagreement?

Mr. GARCIA. No, sir. I cannot move without it. In fact, that is part of the problem, I cannot plan until I hear from the Rules Committee on what policies I need to follow.

Senator FORD. Well, I want to tell you, we are not going to give you a loose rein.

Mr. GARCIA. Senator, once again I have to say that the tighter you can make it—

Senator FORD. OK.

Mr. GARCIA [continuing]. The better off we are all going to be.

Senator FORD. I know, but you are giving the impression that you cannot move, you cannot do anything without the committee's approval, and I want to assure you that is true.

Mr. GARCIA. I was saying the same thing, Senator.

Senator FORD. All right, but you are implying that you cannot do the things that you think are necessary and you cannot move and get things done. Well, I see some things here that I wish I could go back over the years and this last year, and I wish that you had waited until you got a contract signed, instead of going on verbal approval. Do you have a recommendation on how OA equipment is to be provided to new Senators?

Mr. GARCIA. Well, I think the policy as we know it is that a Senator has, an in-coming Senator has a choice of one of the vendors to procure OA equipment, and until that changes, until this committee changes that policy then we will act according to that policy.

Senator FORD. Very quickly, Mr. Chairman, I am going to quit. I just want to ask for a response from the Sergeant at Arms. On December—

The CHAIRMAN. Let me just interrupt. You said that it is your understanding that the new Senator has a choice.

Mr. GARCIA. Has a choice of three different systems as far as automation, or he may choose not to have one at all.

The CHAIRMAN. The reason I called you is because that is what I thought I heard you say and that is not the policy of the Rules Committee, so this is proving to be a more and more useful hearing.

Mr. GARCIA. Well, it certainly would be useful to me, Senator.

The CHAIRMAN. That was the original choice of Senators who were in office at the time that we entered the office automation program, but that is not the option that is available to incoming Senators. Excuse me.

Senator FORD. No, this is part of it. I think we ought to have a rap session and take off our coats and ties and sit down and go at it.

On December 20, 1985, a meeting in your office with Rules Committee staff set an agenda for planning what we referred to then as "major items," 17 major items I recall were defined during that meeting. Do you remember that?

Mr. GARCIA. I do not, Senator. Perhaps as you move on, I will.

Senator FORD. Well, I thought maybe December 20 and major items and 17 would refresh your memory a little bit. Except for the CMS programs, the training and the disk procurement, the committee has had no further word on any of those projects that I can determine.

Now, I want you to give me an update or a status report on these major items—state office communications and terminal allocation, CMS, Data General, Honeywell, Prime and other possibilities, in-house training and support, office—I will give you a copy of these, you do not have to do it in shorthand—

Mr. GARCIA. All right.

Senator FORD [continuing]. Office automation, replacement of Visual 300s, terminal allocation, laser printers, 9700 and Office Type, optical character readers, electronic mail, committees and office, a central IBM system, disk recommendations, file transfer from office system, and terminals in homes.

And one final question, Mr. Chairman. When did you get that?

Ms. MORRISON. From the Computer Center.

Senator FORD. When did you get it?

Ms. MORRISON. It was just produced.

Senator FORD. December 31st of what year?

Ms. MORRISON. No, November 1986.

Senator FORD. No, you have got December—

The CHAIRMAN. It is hard for the Reporter to follow.

Senator FORD. I am sorry. For the Reporter, "Not a file copy," it says on here, "Senate Computer Center Updated, Volume I, Issue 2, October-November 1986." And it says, "December 31, 1900, 7:03 p.m." I do not know what the, "Cover, TIM, Update 2" means at the bottom.

Mr. GARCIA. We have an explanation, Senator.

Dr. FERREROS. Senator, that is a publication that we provide our users to summarize the status of a number of the projects that you mentioned.

Senator FORD. We will get to it.

Dr. FERREROS. That is presently in press right now.

Senator FORD. OK. All you have to do is just send us a little note on these things once in awhile and say it is coming, you know, and we relax because we know it is coming this month, next month, next year, sometime it will be here.

Mr. GARCIA. Yes, sir.

Senator FORD. I want to ask the Sergeant at Arms one more question. Do you have any idea when Senators D'Amato and Cranston will receive the laser printers this committee has authorized them to receive?

Mr. GARCIA. I received Senator Cranston's letter last week and we are in the process of working with him and his staff and Senator D'Amato and his staff, and I hope to have that resolved, if not already, within the next day or so.

Senator FORD. The next couple of days, so it will be resolved before the week is out?

Mr. GARCIA. The question can be resolved, yes, as to what we are going to do.

Senator FORD. Mr. Chairman, I have to go and I apologize to you. It is the same old thing, I get to talking too much and take too much time and I apologize, I have gone over my ten minutes.

I think one conclusion can be drawn from these hearings, that both the committee and the Office of Sergeant at Arms will benefit from regular oversight hearings and I do not know how we can work it out to have not a brain-storming session but a session of talking about some of these things. I promise you that I intend to be back here and I am going to continue your mandate of oversight and see if we cannot work it out.

The CHAIRMAN. I believe it will be useful from both sides' point of view, if we do it regularly, and if there are misconceptions on either side they will be corrected more promptly. So I hope the committee will do that.

I have one more area to raise and that is the authorization for staffing of the TV Control Room was, as I remember it, one production director, two video technicians, one switcher, one CHYRON operator, one tape operator, one mixing technician, one audio engineer, one lighting panel operator, six camera operators, which was a grand total of 15. Then I think there was a loan from the Recording Studio of an additional director.

Now, on the 8th of this month you asked for approval to hire 5 additional camera operators and I used the time-worn technique of responding to a question with a question, and on the same day I asked you these questions: Are the additional persons manning new positions in the TV operation or are they a second shift?

Mr. GARCIA. They are not manning new positions. They are not manning the second shift, Senator.

The CHAIRMAN. Then they are operating new positions?

Mr. GARCIA. They each are working their 40-hour workweek. The temps are being utilized to make up for the current service as a TV recording staff. Even by adding the temporary employees, Mr. Chairman, the permanent staff have worked the following hours since the Senate reconvened in early September: For example, the week of September 8th, 40 hours, the week of September 15th, 50

hours, the week of September 22nd, 57 hours. So they are not manning new positions.

The CHAIRMAN. What do you anticipate their workweek will be in November and December and January?

Mr. GARCIA. Gee, Senator, if I could do that I could be quite a whiz boy. I have no idea, Senator.

The CHAIRMAN. In the absence of a lame duck session, it would be a very light workweek.

Mr. GARCIA. Yes, sir.

The CHAIRMAN. What did they do in August?

Mr. GARCIA. These temporaries are due to go off the payroll at sine die. They are just temporary. I might say that after sine die I intend to conduct a major review of the TV and Recording Studio to see what exactly we need.

The CHAIRMAN. I am sympathetic to this problem and I understand it thoroughly. The problem is shared by all of your people who work on the floor.

Mr. GARCIA. Yes, sir.

The CHAIRMAN. They were there as long or longer than any Senator was there and they have to be there the full time the Senate is in session, which in the days when they are in session is a very long time. On this Saturday session, we went in at 8:00 o'clock and we were in session until past midnight, so that—

Mr. GARCIA. 2:07, Senator, Sunday morning.

The CHAIRMAN. An 18 and a half hour day.

Mr. GARCIA. Yes, sir.

The CHAIRMAN. I understand about those problems and that is why I ask whether they were a second shift or whether they were on some regular schedule. What you are trying to do, from the fact that you have cited 40 hours, is to relieve some of these people.

Mr. GARCIA. Yes, sir, badly needed relief.

The CHAIRMAN. Are they on a regular schedule?

Mr. GARCIA. They are on a regular schedule. However—

The CHAIRMAN. What is that schedule?

Mr. GARCIA. This is Donna Stiles, the Director of the TV assessment.

Ms. STILES. These people work one hour prior to airtime and they work a full 8-hour day. Some may come in at noon, but they all work a full 8-hour day. They were hired in addition to our people. We do not have enough people for a second shift.

The CHAIRMAN. This is to stretch the shift then?

Ms. STILES. People are still working 12- and 14-hour days.

The CHAIRMAN. Are you getting any loans from the Recording Studio?

Ms. STILES. We do not get much relief from the Recording Studio because the Recording Studio is busy throughout the day and they are short-staff also. Some of my people will wait three or four hours for a lunch break and they have never been given dinner breaks. They have trouble getting breaks to use the restroom.

The CHAIRMAN. Do you get any backup at all from the Recording Studio?

Ms. STILES. Occasionally, not on a regular basis.

The CHAIRMAN. Will the acquisition of these additional people affect that borrowing process, will you need to call on the Recording Studio for backup?

Ms. STILES. Some people are scheduled in the Recording Studio for two days and then scheduled in the Television Control Room for three days. They are rotated through both areas so that everyone is pulling their fair share.

The CHAIRMAN. Suppose you just hire two permanent operators?

Ms. STILES. We will still be understaffed, we will be very understaffed. We have 13 right now. We do not have the original 15. We have 13 on our staff.

The CHAIRMAN. That is what I am saying, you would hire 2 and come up to the originally authorized 15 full-time—

Ms. STILES. That would give us two extra people to give breaks, but these two people would be responsible to give people lunch and dinner breaks and if two people were going to break 13 people for lunch and dinner, even just to give them half an hour, it would take four hours to do a lunch break.

The CHAIRMAN. Well, I am no management whiz, but I think it looks as though something will—we will need to apply some sophisticated management expertise. Did you get the questions that I asked you?

Mr. GARCIA. Yes, sir, we did.

The CHAIRMAN. Did you answer them?

Mr. GARCIA. Yes, sir, we did, and I believe they have been submitted to the staff. Oh, I am referring to a whole different set of questions, Senator. I have answered them and I am prepared to give you those answers now.

The CHAIRMAN. Well, I think you just did but I have not seen them before this moment.

Ms. MORRISON. Senator, as I understand it, based upon your memorandum with this request of September 8th, it did state, "In the meantime, there are several questions which I expect will be asked that you may want to prepare for," and the four questions are listed.

The CHAIRMAN. These are the ones that I just asked you.

Ms. MORRISON. Yes, sir, that is correct. We did interpret that statement to mean that we would be asked that verbally at this hearing. We did not interpret that to mean that you wanted those in advance.

The CHAIRMAN. Did you interpret my questions to mean that you had authority to go forward?

Ms. MORRISON. To go forward in what vein, Senator?

The CHAIRMAN. To hire these people?

Ms. MORRISON. The authority to bring on those five temporaries while the request was pending before the Rules Committee was done out of a time emergency as well as pursuant to the resolution, S. Res. 28, establishing TV in the Senate.

The CHAIRMAN. Yes, but I think we have to understand each other. If you have an emergency, I am around. I live in the neighborhood. You can come see me on a Saturday, you can come see me on a Sunday. I am very easy to reach. I do not mind being awakened early. I do not mind staying up late. But if you ask me for permission to hire some people and then I say explain it a little

more to me because I am slow and I need to have it explained. It does not make much sense for you to go ahead and hire. Why would you ask in the first place if you were not going to wait for the approval?

Ms. MORRISON. The request was put forth to you before——

The CHAIRMAN. That is right and I responded the very day I got it. On September 8th I got it and on September 8th I answered it. I said I would like a little more information. Now, why did you go forward and hire these people before you responded to my request for additional information? That is my question.

Ms. MORRISON. Senator, those people were hired in the interim between the 8th and today's date. We had to keep the TV in the Senate operational.

The CHAIRMAN. Why did you not answer my question so that I could make a decision yes or no? You see how frustrating this is from the committee's point of view? You are saying can I hire these people, right? We are agreed on that, right? And I say, all right, in order to give you an answer to your request I need additional information. Are we agreed that that happened?

Ms. MORRISON. Yes, sir, that is correct.

The CHAIRMAN. All right. Now, you never gave me the additional information until this moment. Are we agreed on that?

Ms. MORRISON. Yes, that is correct.

The CHAIRMAN. All right. Now, why did you hire the people before you got approval to do it? What was the purpose of going through the idle gesture of asking for the approval in the first place?

Ms. MORRISON. Senator, we requested funds for these temporary employees in the Television Control Room from your committee.

The CHAIRMAN. But how could you hire them before you got approval?

Ms. MORRISON. They were hired pursuant to Resolution 28 establishing television in the Senate, and I quote: "The Sergeant at Arms and Doorkeeper of the Senate shall employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios to, operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution."

The CHAIRMAN. Now, let me just say, "as may be necessary" does not mean anybody you want to go out and hire. That means "as may be necessary" within the authorization.

Ms. MORRISON. Senator, we requested that the Rules Committee bring these staff——

The CHAIRMAN. I know you requested it and I answered you on the very day I got the request, I responded. Right?

Ms. MORRISON. That is correct.

The CHAIRMAN. And I said I need a little more information in order to make this decision. I never got that information until today, but you went ahead and hired the people anyway. Now, does that not make kind of a mockery of asking for the approval in the first place?

Ms. MORRISON. No, we do not think it makes a mockery. We need the funds for these people.

The CHAIRMAN. We have the personnel manager here, maybe he can throw some light on it.

Mr. HOLMBERG. Senator, I am Bruce Holmberg. The situation we have before us, in other words, the original request for temporary employees to supplement the staff down there was brought to the committee and is under the current authorization, the employees are being funded out of the contingency fund over which the committee has jurisdiction and control. When we did bring this request to the committee, we were informed that it would have to be brought up at the next business meeting which is today, September 29th, nearly a month after our critical need would have come and passed. We therefore took it upon ourselves within existing funding available to the Sergeant at Arms, in the Recording Studio—

The CHAIRMAN. What funds?

Mr. HOLMBERG. His regular appropriation for salaries for officials and employees.

The CHAIRMAN. You are not talking about Resolution 28?

Mr. HOLMBERG. No, sir.

The CHAIRMAN. I did not think so. When that was cited a minute ago, that did not—that is only available for authorized positions.

Mr. HOLMBERG. Yes, sir, that is under your jurisdiction.

The CHAIRMAN. These were not authorized.

Mr. HOLMBERG. And that is why the—and all the other employees of the TV are currently being funded out of that authorization.

The CHAIRMAN. Suppose you do not get the money, what are you going to do for these people?

Mr. HOLMBERG. Well, we have the money existing within our 1986 appropriation to bring them on for the four-week period.

The CHAIRMAN. Has the Appropriations Committee agreed to this?

Mr. HOLMBERG. In FY 1987, no, we have not broached the subject. We are trying to—

The CHAIRMAN. They have not agreed to this new hiring?

Mr. HOLMBERG. We will take the proposal to them for FY 1987. For FY 1986, we have lump-sum authority. We are trying to limp home until sine die adjournment and then review the whole process as to how many positions are absolutely necessary in the TV Studio.

The CHAIRMAN. This is just a textbook case of how we get irritations between ourselves. You asked me for authority on the 8th of September. If I were out of town or involved in other business and did not attend to it and it lies on my desk for a week or ten days—and I am sure that has happened on occasion, but on this occasion it did not. On the very day you asked me, I responded and said give me a little information. I never got that information.

Today is the 29th of September and now I find that instead of waiting for the approval that you asked for, which might have come very quickly had we communicated more—

Mr. HOLMBERG. Mr. Chairman, I was not directly involved, but the word that was brought back to me is that the staff had indicated to us that it could not be considered until the next meeting of the Rules Committee.

The CHAIRMAN. What date did they come on the payroll?

Mr. HOLMBERG. I believe it was the first week back from the August recess.

Ms. MORRISON. It was September 8th, Senator.

The CHAIRMAN. The very day you asked, the very day you asked. What did you ask for if they were already on?

Mr. HOLMBERG. We had already been informed by staff—

The CHAIRMAN. I mean even with the best will of the world of trying to work with you and agree with you, what was the perfunctory purpose of going through the process of asking if you were going to hire them anyway, if you had actually already hired them?

Mr. HOLMBERG. Mr. Chairman, the process to which you are alluding, we did pursue but at that point, on that day, we had been informed that that remedy would not be available to us, that we would have to wait until today's meeting for this committee to do—

The CHAIRMAN. But is that any reason to go forward? You should then advise us. Let us talk about how you avoid these irritations in the future. If you are in a bind, that you have to go forward, number one, you did not—it was not because you got that answer from the committee, because you already had them on when you asked the question.

Mr. HOLMBERG. No, Senator.

The CHAIRMAN. Well, you put them on the same day.

Ms. MORRISON. Senator, I have the record here of your letter to Mr. Garcia and the date that it was received in our office. The verbal request was made between Mr. Garcia's staff and Rules Committee staff the previous Thursday, at which time we were informed that it would have to go before the full committee. The official request we did put into your committee was September 8th. The copy of your letter that we received came to our office dated September 15th, which is one full week after that request, although your letter is dated the same date.

The CHAIRMAN. Well, your in-basket must be full. This is just a classic case, that we do not need to be having this conversation. If you were in a bind, any one of the three of you could have come to see me and said, look, our TV operators are just overworked, dying on the job, they cannot go on another day, we have to get them relief within 24 hours. We could have worked something out. But this just makes a mockery of the procedure.

Now, the urgency of the problem does not excuse deviating from the system. The urgency of the problem sets up the need to consult and to communicate and it does not excuse you from not doing what the regulations and the laws indicate need to be done, and that is the point that we are trying to make here, not that we do not recognize your needs and your concerns and your urgency, and not that we do not want to help you to meet those needs. There is a way to do it and a way not to do it.

Is it in fact the case that when this subject was first raised with the committee there was some conversation about holding a meeting, an early meeting to resolve the questions that might arise as a result of this proposal?

Ms. MORRISON. Sir, I do not recall such a meeting. Could you be more specific as to the Rules Committee meeting with someone on

the Sergeant at Arms staff regarding resolving this issue? I do not know that our procurement officer, Joe Monachino——

The CHAIRMAN. The week prior to the 8th of September the subject was raised, right?

Ms. MORRISON. It was raised between our procurement officer, Joe Monachino, and the Director of the Technical Services Division, John Swearingen.

The CHAIRMAN. Just that there would be a meeting.

Mr. MONACHINO. Beg pardon, sir?

The CHAIRMAN. When did this subject first raise its head?

Mr. MONACHINO. I believe it was the middle of the week previous to the letter.

The CHAIRMAN. Right. We are all agreed on that.

Mr. MONACHINO. I would like to——

The CHAIRMAN. On Wednesday, to be precise.

Mr. MONACHINO. I believe it was either Wednesday or Thursday, sir. I do not have my notes here, but I think it was Wednesday or Thursday.

The CHAIRMAN. Wednesday.

Mr. MONACHINO. I would like to make a statement to clarify a point, and that is that the intent of the letter was not to request permission, because we felt that we had adequate permission under Resolution 28 which said in fact that we had the authority to go out and hire as necessary. The purpose of the letter was to——

The CHAIRMAN. Understand now that the committee disagrees with that position, that under Resolution 28 you have authority to hire as authorized, but not beyond the authorization.

Mr. MONACHINO. As necessary, sir, I think the——

The CHAIRMAN. As necessary within the authorization. And clearly, a further point I would make—and I am very familiar with this because I have writer's cramp in doing it—that all personnel hired under the authority of Resolution 28 are signed by both Mr. Garcia and myself. I think you will find that has been the rule with regard to all persons employed under Resolution 28, is it not?

Mr. MONACHINO. Apparently it is.

The CHAIRMAN. I just want to dispel any idea that there is any authority in Resolution 28 to hire as necessary.

Mr. MONACHINO. I must accept full responsibility on that because it was my reading of that "as necessary," and there was a requirement at the time and the only reason why we felt it was necessary to submit a letter was to provide request that the funds from the contingency fund be authorized.

The CHAIRMAN. But every other hire has come to me for personal signature.

Mr. MONACHINO. I was not aware of that, sir.

The CHAIRMAN. Well, that is the case. Now, let us get back to the week before September 8th.

Mr. MONACHINO. Yes, sir.

The CHAIRMAN. Let us see if we can shed a little light on that. Did you come to the committee with the proposal?

Mr. MONACHINO. Yes, I came to I believe it was John Swearingen and——

The CHAIRMAN. And what was the nature of that conversation?

Mr. MONACHINO. I explained to him our requirement and John indicated that—he explained his position on it and we were discussing the possibility of a subsequent meeting, at which time it was decided that rather, because they did not have all of the facts in front of him, that it would be best to submit a letter to your office requesting the funding and that is when the letter was submitted. I believe the letter was—it is dated the 8th and it came in and subsequent to that I received a phone call from John indicating that you had reviewed it and that you wanted to bring it before the full committee.

The CHAIRMAN. Let us go back to that week beforehand, either the Wednesday or Thursday as you remember it. When you talked to John Swearingen, there was discussion of a need for a meeting?

Mr. MONACHINO. No, sir. I recommended—I presented the situation to him and John presented his side of the situation. At that point I said, well, maybe it would be best if we have a meeting later on today. I was the one who made the suggestion—

The CHAIRMAN. That is right, and—

Mr. MONACHINO [continuing]. That we have a meeting to discuss this in the afternoon. However, I had given John some information which was not totally correct and I felt that the best way to handle this would be to state in writing where we would have all of the details.

The CHAIRMAN. But did you cancel the meeting then?

Mr. MONACHINO. I told John we would meet later on in the afternoon, and I called John and—

The CHAIRMAN. You never did.

Mr. MONACHINO [continuing]. And I told him we were not going to have a meeting because I was going to send him a letter.

The CHAIRMAN. So you did not have that meeting,

Mr. MONACHINO. No, sir, we did not, because I wanted to make sure that he had all the facts.

The CHAIRMAN. In hindsight, I think it was a mistake not to have the meeting, because a lot of the things we are discussing now might have been discussed at that meeting. However, hindsight is always more powerful than foresight. Again, this is an illustration of the kind of problems we have got. You now are clear on Resolution 28?

Mr. GARCIA. Yes sir.

Mr. CHAIRMAN. Okay.

Ms. MORRISON. Senator, can we seek some clarification on your statement that appeared in the Record regarding Calendar No. 420, under the operation for the TV in the Senate function, where under "hiring" it states, "Hiring will be conducted by the Office of the Senate Sergeant at Arms under normal employment procedures. Some of the existing Recording and Photographic Studio staff will be used in the operation of television equipment." Could we ask for a clarification from your committee as to its interpretation of that phrase?

The CHAIRMAN. What is not clear about that?

Ms. MORRISON. Well, it appears to say to me that the hiring will be conducted by the Office of the Senate Sergeant at Arms under normal employment procedures.

The CHAIRMAN. Which include approval by this committee.

Ms. MORRISON. That is what I am asking you for in terms of the interpretation of that.

The CHAIRMAN. That is what I am telling you.

Mr. MONACHINO. Are you saying this is implied in the language, or are you saying that it is specifically spelled out in the statutory language? I am confused.

The CHAIRMAN. You are reading from the report and I think we ought to read from the language of the resolution itself.

Ms. MORRISON. Yes, sir, I have that present as well and I did allude to that in my earlier reference to page 3, line 17, sub. (c): "The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios," et cetera, and we are requesting clarification as to the Rules Committee interpretation of both of those phrases.

The CHAIRMAN. This has to be read in the context of the funding, funding being by contingent fund money, requires the co-signature of the Chairman of this committee in addition to the signature of the Sergeant at Arms on any employment authorization.

Ms. MORRISON. Mr. Chairman, where is that so stated for our edification and clarification?

The CHAIRMAN. I would refer you in further response to a memorandum dated March 25, 1986. By coincidence, it is Maryland Day. This is signed by Senator Ford and myself, as Chairman and ranking member of the committee. Mr. Garcia is information addressee, so you should have a copy of this in your files.

And it says—and this gives you all the specific direction you need: "Staff hired under this provision shall be appointed jointly by the Sergeant at Arms of the Senate and the Chairman of the Committee on Rules and Administration to a separate payroll established in the resolution and reorganization reserve in the appropriation account 'miscellaneous items.' Staff salaries and agency contributions shall be paid upon the Rules Committee's approval of voucher payrolls prepared monthly by the Senate Disbursing Office and certified by the Sergeant at Arms."

Now, can I be any more specific than that?

Ms. MORRISON. Mr. Chairman, may I request a copy of that memorandum for our records?

The CHAIRMAN. You should have it, but if you do not we would be happy to see that you get one.

Ms. MORRISON. And perhaps also that language that is so pertinent to this issue, somehow perhaps it should be referenced in these documents that have gone on the record in terms of procedural concerns.

The CHAIRMAN. Well, I just read it into this record so it is on the record.

Mr. GARCIA. Mr. Chairman, if I might—

The CHAIRMAN. In fact, I will make a copy of this whole memorandum a part of the record at this point.

[The document referred to follows:]

MEMORANDUM

March 25, 1986

To: Senator Mathias and Senator Ford
 Via: John Childers and Bill Cochrane
 From: Dennis Doherty

Re: Television and Radio costs

S. Res. 28, agreed to February 27, 1986, authorizes radio and television coverage of Senate proceedings. The resolution provides for such sums as may be necessary (but not to exceed \$3.5 million) to be expended from the contingent fund of the Senate. While radio broadcasting was to begin as soon as possible, a test period for televising Senate proceedings is to begin no later than May 1, 1986, and conclude July 15, 1986.

The purpose of this memo is to establish procedures under which the expenses incurred by the Architect of the Capitol and the Sergeant at Arms of the Senate in implementing S. Res. 28 can be paid from the Senate contingent fund. If you agree with these procedures, a copy of this memorandum will be transmitted to the Architect of the Capitol, the Sergeant at Arms, the Secretary of the Senate, and the Financial Clerk of the Senate.

THE ARCHITECT OF THE CAPITOL

Section 4(b) of S. Res. 28 provides:

The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall--

- (1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);
- (2) employ necessary expert consultants; and
- (3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings;

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

LABOR COSTS - - The Architect of the Capitol intends to use in-house labor for the construction of the required facilities. A separate weekly payroll for those workers engaged in activities

authorized by S. Res. 28 will be prepared by the Architect, and will serve as the basis for vouchers submitted by the Architect's office to the Senate Disbursing Office requesting reimbursement from the Senate contingent fund. Reimbursement vouchers will be prepared weekly for any direct labor charges accumulated during the week. Only the Architect is authorized to sign payment vouchers, which will be submitted to the Senate Disbursing Office on Monday mornings along with the payroll listing to document the charges for which reimbursement is requested. Wages for the work performed will be paid at the same hourly scale in effect for all AOC weekly laborers in accordance with the wage rate schedule established under the Davis-Bacon Act.

The Senate Disbursing Office will be responsible for securing necessary approvals and for preparing checks payable to the Architect of the Capitol. Weekly checks will be available for pick-up on Wednesday mornings, the payday for the weekly labor force. The Architect will deposit the check into the account from which the weekly labor force is paid, thereby restoring it to the same balance that would exist in the absence of the S. Res. 28 payroll charges.

CONSULTANTS - - Expert Consultants will be secured by either a personal services or fixed-fee product contract, which must be approved in advance by the Committee on Rules and Administration. Payments for services or studies provided under such contracts shall be paid in accordance with the terms of the contracts, on vouchers signed by the contractor and certified by the Architect of the Capitol. Such vouchers should be submitted to the Senate Disbursing Office for processing and payment.

NON-PERSONNEL EXPENSES - - Subject to the prior approval of individual "Purchase Requisitions" by the Committee on Rules and Administration, the Architect of the Capitol will issue purchase orders to secure the materials and equipment necessary to implement the provisions of S. Res. 28. Invoices against purchase order will be reviewed by the Architect's Office following normal procedure; payment will be recommended after certifying conformance with all applicable terms and conditions. Only the Architect is authorized to sign payment vouchers. After obtaining necessary approvals, the Senate Disbursing Office will make payment directly to the vendor(s).

SERGEANT AT ARMS OF THE SENATE

Section 4(c) of S. Res. 28, provides, in part:

- The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) Make audio and video tape recordings, and copies thereof

as requested by the Secretary under clause (4) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Secretary of the Senate copies of such recordings,

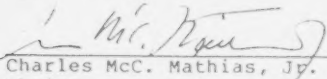
Provided, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms such recordings therefor, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive quality copies of such recordings.

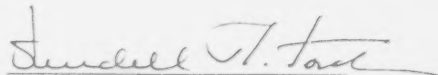
STAFF - - Staff hired under this provision shall be appointed jointly by the Sergeant at Arms of the Senate and the Chairman of the Committee on Rules and Administration, to a separate payroll established in the "Resolution and Reorganization Reserve" in the appropriation account "Miscellaneous Items". Staff salaries, and agency contributions, shall be paid upon the Rules Committee's approval of voucher payrolls prepared monthly by the Senate Disbursing Office and certified by the Sergeant at Arms.

TAPE RECORDINGS - - The Sergeant at Arms shall make and retain audio and video tape recordings of Senate proceedings, transmitting copies of such recordings to the Secretary of the Senate no earlier than ninety days after the recordings were made.

The Secretary of the Senate shall not sell copies of audio and video tape recordings of Senate proceedings, or transmit such copies to the Library of Congress and the Archives, until authorized to do so by the Senate.

Approved:


Charles McC. Mathias, Jr.
Chairman


Wendell H. Ford
Ranking Minority Member

cc: The Honorable George M. White
The Honorable Ernest E. Garcia
The Honorable Jo-Anne Coe
Mr. Stuart F. Balderson

Mr. GARCIA. Mr. Chairman, all afternoon long both you and members of your committee and me and my staff have alluded to the fact that there is a lot of confusion, a lot of misunderstanding, and I guess one of the problems that we have in this particular case is there are several documents from which we both read and I think it would be very helpful certainly from my point of view to have a legitimate certified document from which we can work. Again, the situation has us referring to two or three or four different documents and that is one of the things that I hope that we can resolve—

The CHAIRMAN. I do not know that I can promise you that we can do that. If you look at all these books and all these bookcases, these all govern our lives and you cannot get them all into one neat package.

Mr. GARCIA. I recognize that.

The CHAIRMAN. But did you get a copy of this March 25th memorandum?

Mr. GARCIA. I am sure we did, Senator, but I do not have it and—

The CHAIRMAN. Because this is operative on this subject. This is implementing the provisions of S. Res. 28, agreed to on the 27th of February, and the purpose of the memorandum as it states is to establish procedures under which expenses incurred by the Architect of the Capitol and the Sergeant at Arms of the Senate in implementing S. Res. 28 can be paid. So it answers your question directly.

I understand what you are saying, that it would be nice if we had it all in a leather binder, with index at the back and a table of contents in the front, and over a period of time that happens, but this is on-going, developing of a new program and you have to just keep up with the developments as they come along.

Mr. GARCIA. Mr. Chairman, that is why both of us have talked all day today and in the past about the need for better coordination, better cooperation, and I am on board with you on that, Senator. Believe me, I have nothing to gain, as alluded to by Senator Ford whom I deeply respect, I have nothing to gain by going around, I have nothing to gain by trying to do other than what this committee wants me to do. I will do whatever this committee wants me to do and I will do it as a loyal soldier.

The problem is, sometimes I do not know what it is that needs to be done nor do I have that information in time to do it. There are situations in my job from day to day where I have to respond on the moment, and to the extent that I have to look at the bottom line, that is making sure that the Senate is well served.

The CHAIRMAN. Well, one of the ways to I think help to resolve some of these problems is to come and talk to either the staff director of this committee or counsel of this committee. This problem is a very simple one and could have been resolved very quickly, without the kind of irritations that have obviously been built into it, by some inquiries. Very clearly we provided by committee memorandum direction for exactly what you have to do.

So I think one result of this experience—and I cannot speak for the rest of the committee who are going to be here when I am not, but I think there is a generally recognized need for much closer

consultation, and I think you will find, for better or for worse, that you will be visiting with us more often, and this room more often—

Mr. GARCIA. I think that is for the best, Senator.

The CHAIRMAN. I think it will be for the best.

Mr. GARCIA. I know it will be.

The CHAIRMAN. It is nobody's desire, nobody's interest to have any more irritations in life than you have to but, as you can see from this afternoon's conversation, there have been a good many. I am sure from your point of view, if you did not understand things in the same light that we understand them, your irritation with the committee and committee staff is also serious. But if we both understand the situation as it really is, I think then you understand why we are doing what we are doing and we understand why and we can either understand why you are doing what you are doing or else we can find out what the problem is.

I think that is probably as far as we can get this afternoon. I am not going to adjourn this hearing but hold it open for additional questions of other members of the committee, but I appreciate your being here. I think we can start forward on a new chapter from this point.

Mr. GARCIA. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

This hearing is in recess, subject to the call of the Chair.

[Additional material submitted for the record follows:]

July 28, 1986

Honorable Charles McC. Mathias, Jr.
Chairman
Committee on Rules and Administration
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This statement is being submitted to all members of the Committee on Rules and Administration by Reed James, Judy Wilbert, and Dick House regarding the termination of 18 employees of the United States Senate Service Department during the week of February 10, 1986. We would like to thank the Committee for allowing us the opportunity to submit a statement for the record. We stand ready, as do many of the other terminated employees, to testify under oath before this committee and answer any questions that you may have on this subject.

As you know, the Sergeant at Arms, Ernest E. Garcia, summarily dismissed employees with outstanding employment records and Federal service totalling 355 years, an average of approximately 20 years each. The dismissals were imposed in a brutal and punitive fashion. Specifically, they were enacted without written notification, without warning, and without due process. (See Attachment 1)

At the time of their dismissals, several of the terminated employees were told by the Deputy Sergeant at Arms, Trudi Morrison, "Placement is our No. 1 priority." To date, the Sergeant at Arms' Placement Office has not placed a single individual terminated from the Service Department. In fact, the Sergeant at Arms has impeded the efforts of at least one terminated employee in his search for work, as this individual had submitted two resumes for vacancies at MCI at the time of Sergeant at Arms interference. (See Attachment 2)

Why did these terminations occur in the first place? What little rationalization Mr. Garcia has offered to date, by way of responses to letters or answers to media questions (e.g. citing budget constraints, efficiency, or objectivity) readily dissolves upon closer scrutiny.

The February 17, 1986, Washington Post stated that Mr. Garcia said he had begun to lay off employees because of Gramm-Rudman-Hollings budget cuts. He stated that he had to reduce his budget by 4.3% on March 1 and that it was "simple arithmetic". In fact, the Service Department offered him 10% in budget cuts with no reduction in services or personnel, and this offer was ignored. Additionally, the Sergeant at Arms has given substantial merit increases since these dismissals at a time when Congress has frozen salaries in the Executive Branch.

Statement to Committee on Rules and Administration
Service Department Dismissals
Page 2

July 28, 1986

In the February 20, 1986, issue of Roll Call, Mr. Garcia is quoted as saying, "Since these positions were eliminated there has been an increase in productivity." In fact, production was down 24% through the end of February compared with a comparable period of time immediately before the dismissals, which can be verified by the monthly production reports submitted to the Committee on Rules and Administration.

In a letter to Gary H. Simpson dated April 11, 1986, Mr. Garcia stated the "loss of your clients' jobs from the Senate Service Department were based on only the most objective standards of management analysis and decision making. They came about after a nearly eight-month review and evaluation of operational efficiencies, and had to do strictly with positional, not personal considerations." In fact, this action was not objective nor strictly positional. Personnel evaluations and years of service were not factors considered before taking such critical action. People were immediately promoted into many positions vacated. "Objective standards of management analysis" cannot result in a wife reporting directly to her husband in the two positions which control the Department's budget, purchase orders, and invoice payments. (See Attachment 3) Since there was no GAO personnel audit of the Service Department (See Attachment 4), and no "review and evaluation of operational efficiencies" involving the Director or Deputy Director, it is imperative that it be determined how Mr. Garcia decided who would be fired and who would be promoted. Out of five Branch Head positions, he fired four Branch Heads and promoted the fifth three levels to become the Director. He immediately promoted three people into vacated Branch Head positions. Out of two Division Manager positions, he fired one and promoted an individual who had formerly been demoted from the position of Division Manager back into the position of Division Manager. He did not offer anyone a lower position or a reduction in pay in consideration of their years of service. He kept temporary employees on the payroll. In an attempt to unravel the inconsistencies and improprieties of this termination action, we have provided a list of questions which, if pursued in depth, will substantiate the claims made in this statement. (See Attachment 5)

Mr. Garcia's actions have caused unnecessary and irreparable harm to individuals and families as evidenced by the current personal situation of each dismissed employee. (See Attachment 6) This cannot be justified. The dismissal of a productive 78 year old woman 6 months before her 25th anniversary date of Federal service, telling her she has until 4:00 p.m. to be out of the Service Department and giving her name to the Capitol police, is particularly barbaric. Confiscation of an employee's badge by the U.S. Capitol police before the employee has been notified of dismissal is more closely identified with a communistic form of government. We have included as Attachment 7 of our statement an excerpt from the book "Galina, A Russian Story", written by Galina Vishnevskaya, wife of Mstislav L. Rostropovich, conductor of the National Symphony Orchestra, which illustrates that confiscation of an identification badge before receiving notice of dismissal was a method used in Russia over 30 years ago.

Statement to Committee on Rules and Administration
Service Department Dismissals
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July 28, 1986

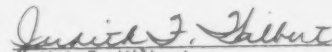
These terminations are not in the best interest of the United States Senate and tarnish its image. Many of the inconsistencies and improprieties have already found their way into the media. (See Attachment 8)

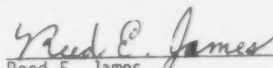
We petition this committee to provide immediate relief for the terminated employees by restoring those who have an interest in returning to Senate service to an administrative leave status, with back pay, pending a final resolution of this matter by the Senate. There is precedent established by Mr. Garcia for reinstatement, as he reinstated an employee in July, 1985, who had been terminated for cause. (See Attachment 9) Additionally, we request that the Committee on Rules and Administration institute personnel policies and procedures to protect institutional support personnel from being treated in an unfair and capricious manner.

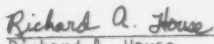
We believe that awesome power carries an awesome responsibility, and that at the heart of that responsibility lies morality. We believe that a grossly immoral action took place in February at the hands of very powerful people, and that the victims were dedicated workers with no power at all. We believe that the constitutional rights of these dedicated workers were violated. We believe that it is within the power of the United States Senate to make it right, and to take action to assure that it does not happen again.

Again, we would like to thank this committee for allowing us to submit this statement. Your kind and prompt attention to this matter will be appreciated by us, our families, and our friends.

Respectfully submitted:


Judith F. Wilbert


Reed E. James


Richard A. House

Judy Wilbert (301) 470-3314
Dick House (301) 587-2399
Reed James (703) 620-2856

STATISTICS ON 18 FIRED SERVICE DEPARTMENT EMPLOYEES:

Name	Title	Years		Date Fired	Reason Given
		Sen. Serv.	Govt. Serv.		
Frank Curtis	Director	5	32	2/11/86	Philosophical differences
Mick Cotten	Deputy Director	4	30	2/11/86	"
Bob Day	Comptroller	12	18	2/13/86	Job abolished
Reed James	Asst. Comptroller	12	12	2/11/86	Job abolished
Barbara Fritz	Personnel Manager	11	11	2/12/86	Job abolished
Faye Winn	A.A. to Pers. Mgr.	3	26	2/12/86	Job abolished
Judy Wilbert	Repro. Div. Mgr.	7	10	2/12/86	Performance
Dick House	Ops. Branch Hd. (N)	22	26	2/12/86	Job "reorganized"
Alan Valsi	Mgmt. Sup. Br. Hd.	16	16	2/12/86	Job abolished
Mark Cheeseman	Qual. Assurance Spec.	7	7	2/12/86	Job abolished
Karl Jansson	Micrographics Supv.	11	25	2/12/86	Job "reorganized"
Leonard Lynch	Planning Analyst	3	18	2/12/86	Job abolished
Tom Golden	Dep. Div. Mgr.	28	28	2/12/86	Job abolished
Jack Cross	Br. Hd., Material	12	25	2/12/86	Job abolished
George Van Gorder	Br. Hd., Maintenance	14	18	2/12/86	Job abolished
Jim Thomas	Planning, Programs, & Analysis Officer	9	14	2/12/86	Job abolished
Roger Clark	Camera Operator	17	17	2/13/86	Performance
Tessi Ricco	Bindery Machine Opr., Level I	24	28	2/12/86	Forced retirement
TOTAL		217	355		

1. All employees were told to be out of the Service Department by a certain time on the day they were fired.
2. No one was given any warning.
3. Only the Director and the Deputy Director were given anything in writing at the time of dismissal.
4. No one was apprised of their Ramspeck Act rights.
5. Only estimates were given of how long an employee would be paid based on the employees unused Annual Leave and 10 days Administrative Leave.
6. No one was offered any alternative (such as a lower position or reduction in pay) although many employees fired had worked their way up through the ranks of the Service Department.
7. The two jobs stated to be "reorganized" are still in existence with the exact same title and individuals have been promoted into them.
8. One job stated to be abolished (Management Support Branch Head) is still in existence with a different title (Records/Administration, Customer Service Branch Head), and an individual has been promoted into this position.
9. 10 of 18 are not eligible for retirement.
10. 6 of 18 are eligible for retirement at reduced annuity.
11. Although the Reprographics Division Manager received only excellent evaluations during her Service Department tenure, she has been replaced by a man who was demoted from this position three years ago for threatening an employee.
12. Two employees, who worked for the Reprographics Division Manager and who made higher salaries than the Reprographics Division Manager, were retained and have been promoted since the firings.

M E M O R A N D U M

May 12, 1986

To : John Swearingen
From : Patrick Sarman
Re : MCI COMMUNICATIONS

Several persons from our computer center contacted me today inquiring about rumors concerning calls to MCI from the Sergeant at Arms office to stop them from hiring computer center employees.

I called Jim W. Moore, MCI Manager of Employment at 703-486-4497 to inquire about this. He told me that this had happened and from what he was told, MCI should stop talking to or hiring Senate employees because we are good customers of theirs and that this might jeopardize our relations. He said that at that moment, he was composing a letter to his employment office personnel to stop hiring. I asked him not to do this at this time and he agreed to that. I have to get back to him.

ATTACHMENT 2

TRUDI MICHELLE MORRISON
DEPUTY SERGEANT AT ARMS

PHONE
202-224-3241

United States Senate

OFFICE OF THE SERGEANT AT ARMS

ROOM 5-321, THE CAPITOL BUILDING

WASHINGTON, DC 20510

February 14, 1986

MEMORANDUM

TO: All Service Department Employees

FROM: Trudi Michelle Morrison *TM*
Deputy Sergeant at Arms/Acting Director, Service
Department

SUBJECT: Reorganization of the Service Department

Attached are a reorganization chart and list of employee placements.

The goal of the Office of the Sergeant at Arms is to provide the Senate with the very best service possible. Only by working as members of a team can the Service Department ever hope to achieve that goal.

I am certain that each of you will contribute to the success of the Office of the Sergeant at Arms by performing your assigned duties to the best of your ability.

TMM:sh

Attachment 3

ERNEST E. GARCIA
SERGEANT AT ARMS

PHONE
202-224-2341

United States Senate

OFFICE OF THE SERGEANT AT ARMS

ROOM 8-321, THE CAPITOL BUILDING

WASHINGTON, DC 20510

January 10, 1986

TO: Frank Curtis
Director, Service Department

FROM: Ernest E. Garcia *EG*
Sergeant at Arms

RE: Personnel Request of December 20, 1985

I appreciate the time and effort Judy Wilbert expended in her personnel briefing on December 16, 1985. I am aware of the current staffing requests of your department which you feel are critical to the successful completion of workload demands during this election year. It is my understanding that the proposed personnel actions are a result of attrition and reorganizations which have occurred over the last six months.

Unfortunately, I am unable to approve this request at this time. Until specific guidelines on the Gramm-Rudman Act are issued and until the GAO review is complete for the Service Department, I feel it inappropriate to approve any changes in your organization.

However, up to 15 temporary personnel will continue to be available for the Carrier Route Sort Program; and an additional 10 employees will be authorized to effect a third shift during the election year peak production period (i.e., April 1, 1986 to December 31, 1986).

I will continue to address critical staffing needs on a case-by-case basis.

EEG/cf

Attachment 4

Questions regarding Service Department firings:

1. Since GAO never performed a personnel audit of the Service Department, who were the architects of this mass firing? What rationale was used? Was any consideration given to performance, personnel evaluations, years of service? What organizational study was done leading to this action? Submit this study, if it exists.
2. Why were the particular eighteen fired employees selected for dismissal? Answer this on a case-by-case basis as neither budget cuts nor across-the-board abolishment of management/staff positions can be rationally explained. (Salaries of those dismissed were as low as \$20,711 and people with much higher salaries were retained, and, in some cases, promoted into the positions vacated.)
3. Why were the employees dismissed not offered transfers or a lower position or a reduction in pay?
4. Why weren't the Director and Deputy Director asked for a plan for a reduction in force?
5. Were these employees previously warned? Give dates, time, and method of previous warning on a case by case basis.
6. How much lead time were the employees given to remove their belongings and themselves from the Service Department?
7. How many of these people has the SAA placement office placed to date?
8. At the time of these dismissals, there were temporary employees on the payroll. How many of these temporary employees were retained, and for how long, after the dismissal of eighteen permanent employees? Are the temporary employees still on the payroll? Why weren't they the first to be considered for termination if personnel cuts were deemed necessary? If they are on the payroll, justify this given the reduction in production demands.
9. Have any employees received pay increases in FY86? If so, justify this in a year when employees with years of exemplary service to the Senate were placed on the street.

Attachment 5

7/25/86

Present personal situation of former Service Department employees:

Both Frank Curtis and Mick Cotten are retired from government service. The way this was handled hurt their wives and children.

Bob Day	Bob's employee badge was confiscated by the guard at the door upon Bob's return from vacation on February 13. This was how he found out he no longer had a job. Later, Trudi told him he had until 5:00 to get out of the building. When he pointed out to her that the Senate buildings were public buildings, she told him that she meant the Service Department, and that now he had until noon to get out. Bob now lives in Chicago.
Reed James	Reed has accepted a temporary position at reduced income while job hunting for a permanent position. His third child was born in June and his wife is on leave without pay until at least September (other children are age 4 and 2). In promising interviews, Reed has been questioned extensively about what happened at the Senate. Two resumes were submitted to MCI and Reed had contacts there; however, SAA warning to MCI to stop hiring people from Senate stopped that possibility. Reed's wife very upset over this action, and had physical problems during pregnancy. Worried about finances.
Barbara Fritz	Unemployed.
Faye Winn	Retired at reduced annuity. Faye transferred from the Executive Branch three years ago with the goal of achieving full retirement.
Judy Wilbert	Unemployed. Entire family hurt by this action.
Dick House	Unemployed. Sole support of wife and ^x children. Extremely upset, hurt, and angered by this action after 22 years of service to the Senate. Children feel embarrassment because they are always asked about this at school and at church. Dick is extremely upset at the effect this has had on his family.
Alan Valsi	Accepted position at reduced income on 7/21/86 after months of unemployment. Sole support of wife and two pre-school children. Decimated by this action. Has experienced severe emotional lows since this happened. Has done tremendous amount of pounding the pavement in job search. Has been "grilled" on interviews about what happened at the Senate. Severe financial problems. Alan was with the Service Department for 16 years.
Mark Cheeseman	Employee in May, 1986, after job search that started in the summer of 1985 in an effort to work close to home in West Virginia. Sole support of wife and two pre-school children; third child due any day. For present job, went through 5 tiers of interviews and in each one was questioned extensively about what happened at the Senate. After securing his present job, his present employer called the Senate and was told that Mark was "fired for cause" which is not true. He told them that this absolutely was not true and they believed him..

Attachment 6

Karl Jansson	Retired at reduced annuity.
Leonard Lynch	Employed on 7/22/86 after months of unemployment. Wife delivered fifth child two weeks ago and is on leave of absence until October.
Tom Golden	Retired at reduced annuity.
Jack Cross	Retired at reduced annuity. Took job in June to supplement retirement. Disabled wife still employed by Service Department. At the time of his dismissal, Trudi did not know that his wife worked for the Service Department and was dependent on Jack for transportation.
George Van Gorder	Unemployeed. Severe financial strain for family.
Jim Thomas	Unemployeed. Severe financial strain for family.
Roger Clark	Unemployeed.
Tessi Ricco	Tessi was forced to retire 6 months before her 25th anniversary which further reduces her annuity. She did not want to retire, and at 78, performed her handwork duties conscientiously. She was also cross-trained in OCR and Micrographics and was always willing to go wherever she was assigned. She is a former school teacher who has worked hard all her life. At one time she was in charge of a dry-cleaning plant with 150 employees. She lives alone in an apartment two blocks from the Senate. She has had neighbors and shopworkers in her neighborhood say to her "I hear that you were fired." She has stated that she is so "ashamed and embarrassed". She gets emotional when she talks about this, and has asked Mr. Garcia for an explanation of why she was forced to retire. She has asked this on numerous occasions but has never gotten an answer. The only answer that she got initially was that her job was abolished, but she knows that it still exists and that other employees are performing her duties. She has stated that she has never been so "alone and bored". To date, she has not received the first retirement check. She has had no income for months.

Attachment 6
Page 2

G A L I N A

A R u s s i a n S t o r y

.....
GALINA VISHNEVSKAYA

Harcourt Brace Jovanovich, Publishers
San Diego New York London

Attachment
Page 1

fore the war. Not only were they older than I, their perception of life was different. They had their own style, those famous matrons with their grand manners, covered with decorations and furs. All of them lived in beautiful apartments, surrounded by hosts of sniveling toadies.

As I looked around me with amazement, it seemed that I had settled in with a huge family: more than a hundred soloists, the chorus, orchestra, ballet dancers, conductors, and stage directors.

A Soviet collective is not merely a group of people working together, but a commune with rigid regulations and rights over each individual member. In Soviet theatrical companies there are no contracts. The artists of the Bolshoi are assigned to their place of work like workers to a factory. They get a monthly salary, and are obliged to fulfill a quota of performances. The season lasts for ten months.

A singer must be prepared every day to be summoned to replace a soloist who has fallen ill. No one has the right to go on tour anywhere in the country without special permission from the management. Yet, to meet a performance quota, one may be sent to another city to give a concert without extra pay. In a word, the artist is at the disposal of the management. A singer must work twenty-five years before receiving a pension, and all those years, if not longer, every detail of his life is open to view before that huge family, the commune.

There is nowhere to go from there. There is only one Bolshoi Theater. All the other theater companies are much worse: the pay is half as much, and the routine is the same. Once accepted, therefore, artists cling with all their might to their positions in the Bolshoi and to their apartments in the capital, afraid even to think about the drabness of provincial life.

The Bolshoi was run with iron discipline. To get into the building, you had to show a special pass with your photograph, even if you had been working there for decades. This procedure was enforced in the event that the personnel department issued an order to bar a certain employee from the theater. The year I joined the troupe, the chief conductor was the great Nikolai Semyonovich Golovanov, who had worked at the Bolshoi for decades. For quite a long

while, persistent rumors had been circulating that Golovanov was to be removed from his position because the Kremlin was dissatisfied with him. One day, as he was entering the theater without showing his pass to the guard—he was the chief conductor, after all—he was stopped. "Your pass!"

"What pass? What are you talking about? Don't you recognize me?"

"Your pass, please."

Golovanov took out his pass and showed it. Right then and there, at the entrance, it was taken away from him, and he wasn't allowed to enter the building. So it was that that highly placed, seemingly all-powerful man learned that he was no longer chief conductor of the Bolshoi Theater and that he no longer worked there.* Such was the Bolshoi in 1952.]

My work schedule in the Bolshoi youth group included two major roles: Tatyana in *Eugene Onegin* and Leonore in Beethoven's *Fidelio*. After a one-year probationary period, the theater had the option of dismissing me entirely or transferring me from the youth group to the main company as a soloist. I later learned that I had been taken into the Bolshoi in view of the forthcoming production of *Fidelio*. Boris Pokrovsky, a brilliant stage director and reformer of Soviet opera theater, would be staging the production, and for the role of Leonore, who wears a man's costume throughout the opera, he wanted a young singer with a slender physique.

The Bolshoi attached great importance to that production of *Fidelio*. Indeed, it was a major event for all of musical Russia: Beethoven's only opera, never before staged in Soviet times! The famous soloists were to sing, and the conductor was to be Alexander Shumyayev, Melik-Pashayev, who had just been named to replace Golovanov as chief conductor. From the very first I found myself handed opportunities no beginner could even imagine.

* A few months later Golovanov died, not having been able to survive the humiliation. He was only sixty years old.

from hunger, people in the arts had ham, cheese, and butter on the table. The Party was fattening up a future army of propagandists for its policies and spokespersons for "the happy life of the people." Leading singers at the Bolshoi got 5,000 rubles a month for three performances, while a blue-collar worker got 200, and a charwoman 80. My grandmother's pension was 40 rubles a month. So much for His Majesty, the Working Class! As Russians say, "What they fought for is what they ran up against."

The singers, actors, writers, and artists glorying in that bonanza thanked the Party for its concern, pointing out quite rightly that in no other country in the world did people in the arts get such privileges at the expense of the whole society as in this nascent land of communism. The people in the arts did not imagine that they would soon have to pay for that generous fare, not only with their creative work—with their consciences—but in many cases with their very lives. The first ones to be presented with the bill were the writers and artists. The Party demanded that they glorify the great construction projects and the happy life of the people in those frightful years when hunger had reached its apogee in the USSR.

In the Ukraine, millions were dying of hunger; corpses lay about on the streets, some of them cannibalized. For months, an endless flow of trains steamed to the Kazakhstan steppes or to Siberia jammed with peasant families, the so-called kulaks, and others who had opposed collectivization. The heretics—with their wives and children and feeble old relatives—were thrown into the taiga in the dead of winter, where as yet there was no housing. The majority died immediately. The survivors were forced to cut down forests and build concentration camps and prisons for themselves, where they would eventually die of hunger and hard labor. Churchill wrote in *The Second World War* that Stalin had told him of the ten million kulaks annihilated during the years of collectivization.

A wave of terror spread through the country. The murder of Stalin's rival Kirov in 1934 was followed by thousands of arrests. The mysterious deaths of Stalin's former cronies Kulybchev and Ordzhonikidze brought more arrests and shootings. People who only the day before had been all-powerful were killed, and took hundreds

of thousands of ordinary mortals down with them. In those years denunciations, even anonymous ones, assumed legal form, and did not fail to have consequences. And in that fertile soil, the basest human traits flourished like pampered flowers lying, betrayal, envy. Settling accounts with one's competitors—removing a talented rival from one's path—became the easiest thing in the world. All you had to do was mail a little envelope addressed to the NKVD. * The diabolical temptation was great—all the more so since you didn't have to look far for an example. In the top government echelon, leaders of the Revolution who had been brothers-in-arms only yesterday were at each other's throats, slander had become a standard method of Party struggle. The poisonous muck overflowed the walls of the ancient Kremlin and infected the nation's soul.]

To crown its inhumanity, the Party issued its April 7, 1935, decree "On Measures for Combating Crime Among Minors," which made all types of punishment, including death, applicable to children aged twelve and older. It stands among the most obscene decrements of our era. A normal person cannot conjure a society bestial enough to legally allow an adult man to shoot a child. But there had been a precedent: the Bolsheviks' cold-blooded murder of Tsar Nicholas II and his family in the basement of the Ipatiev house in Ekaterinburg (now called Sverdlovsk). The family included a sick boy of thirteen, the Tsarevich Alexei, who was so weak that his father, the tsar, had to hold him in his arms at the moment of shooting.

Now, in the thirties, any person could be made to confess whatever the top Party echelon wanted to hear. The officials only had to threaten to execute his children in accordance with laws in force.

It was in that atmosphere of the Great Terror that the young Dmitri Shostakovich was writing his music. In January 1934, when he was twenty-seven, his opera *Lady Macbeth of Mtsensk* was premiered at the Maly Opera House in Leningrad and the Nemirovich-Danchenko Musical Theater in Moscow. The opera was tremen-

* People's Commissariat of Internal Affairs, predecessor of the KGB.

BRIEFLY / Nation *Washington Times*

Senate personnel fired to trim budget *2/14/86*

Under a reorganization plan approved by Senate Majority Leader Robert Dole, 18 Senate support personnel were dismissed this week without advance notice, according to a leadership spokesman.

The action angered aides to Sen. Charles Mathias, Maryland Republican. A spokeswoman for Mr. Mathias said, "They were told to leave right away. It was totally inhumane."

The jobs eliminated included director and deputy director of services, the unit responsible for handling Senate mail, and director of computer operation. Lower-level people have been promoted to fill the jobs, according to Senate sources.

A spokesman for Mr. Dole said the reductions were not politically motivated, but were done because the Senate has to trim down just like everyone else under Gramm-Rudman (the balanced-budget law)."

files \$3 million lawsuit against DAR

A woman filed a \$3 million lawsuit yesterday claiming the American Revolution "illegally retaliated" against a society of racism.

Norm, Mass., filed the suit in the District Court, claiming the DAR should not have reprinted a proposed amendment to the

Senate Office Fires 22 Staff Members

Sergeant at Arms' Budget Cut

By Sandra Sugawara
Washington Post Staff Writer

Twenty-two years ago, Richard A. House left the Marine Corps and got a job running a printing machine at the U.S. Senate. Eventually House worked his way up to a top management position, holding almost every job in his department along the way.

Last week, House and 21 other employees of the Senate sergeant at arms were abruptly fired, victims of Gramm-Rudman-Hollings budget cuts.

Ernest E. Garcia, the sergeant at arms, said he had begun to lay off employees because under the automatic deficit reduction legislation his budget will be reduced by 4.2 percent March 1.

"I have less of a budget to work from than last year. It's simple arithmetic," said Garcia. He said last week's firing was probably just the first in a series of cutbacks and layoffs he will make as he reviews the dozen departments in his office over the next few months.

About 1,600 persons are employed by the sergeant at arms. The office has an annual budget of \$75 million to \$100 million and includes the U.S. Capitol Police, post office, tour guides, computer staff, service staff and employees who run the Senate recording and photography studios.

Garcia made the first cutbacks in the computer division and the service department, which handles mass mailings and office equipment.

At 5 p.m. Wednesday, House, who was a night supervisor in the service department earning about \$38,000 a year, was summoned to the office of the deputy sergeant at arms, Trudi Morrison.

"She said, 'Your job was reorganized. You don't work here. Please turn in your keys and badge and clean out your desk,'" said House.

House, 45, who lives in Silver Spring, said he is the sole support of his wife and four children, including a daughter who is a college senior.

See FIRING, B0, Col. 1

22 on Senate Staff Fired

Feb 17, 1986

Federal civil service system. Many of the top patronage jobs routinely turn over with each change in leadership in the Senate and House.

Morrison did not return phone calls about House's firing, but Garcia said that he directed his staff to act as supporters as possible. Garcia said that he directed his staff to act as supporters as possible. Garcia said that he directed his staff to act as supporters as possible.

"It's not an easy thing to do. It's one of the toughest things I've ever done in my life," said Garcia. "I don't think anybody has ever found a good way to do this."

Garcia said he based his layoffs decisions on whether a position was needed, rather than on individual performance. Thus, people like House, who said he has not taken a day off in 20 years, were not taken into account.

about his performance were in the first category.

Garcia, who was appointed to the position by House's predecessor, Majority Leader Robert J. Dole (R-Kan.), said he believes that his staff can operate efficiently on a much lower budget. He said he anticipated a "last-chance staff" with a lot of die-hard employees.

Another fired employee, Frank W. Curtis, who earned about \$67,000 a year as director of the Senate services department, said that when he was hired in 1961 he was told to get rid of patronage in the services area and establish a career system. He said he had been told to get rid of patronage in the services area and establish a career system.

House said he understands that there is no job security in Congress. "I don't," he said. "I know employees who have been accused of sexual harassment, been accused of sexual harassment, been accused of sexual harassment."

Heartless Valentine Day for 21 Senate Aides

By Christopher Ladd

In what has been variously described as the "Pre-Valentine's Day Massacre," the "Amateur Audubon," a reorganization of the office of the Senate Sergeant-at-Arms and the "Simple arithmetic" of the Gramm-Rudman budget balancing law, Ernest E. Garcia, Senate Sergeant-at-Arms, fired 21 employees in the service department and computer center last week.

Most of the firings, which included the directors and deputy directors of both the department and the center, occurred in the service department, which performs numerous tasks for the Senators, primary among them the handling and dissemination of outgoing Senators' mail. Additional functions of the department, according to the Sergeant-at-Arms, are typewriter service,

ing, sending out work order inquiries, logistical evaluation of equipment use in the Senate, and operation of the camera shop.

In the service department, the following people were fired: Frank Curtis, director; Mick Cotton, deputy director; Bob Day, comptroller; Reed James, assistant comptroller; Barbara Fritz, personnel manager; Faye Winn, administrative assistant in personnel; Judy Wilbert, manager, reprographics division; Tom Golder, assistant manager, logistical services; George van Gorder, maintenance branch head; Jack Cross, material branch head; Al Velei, management support branch head; Dick House, operations branch head; Karl Jensen, supervisor, micrographics section; Jim Thomas, logistical services planning analyst; Mark Cheeseman, quality assurance specialist; Leonard Lynch, re-

prographics planning analyst; Roger Clark, camera operator, micrographics division; and Tensi Ricco, binding operator, job shop in the computer center, which runs the centralized computer system in the Senate, those were the casualties. James Preissner, director; Darrell Hyde, deputy director; and Martha Redstrom-Plourd, personnel officer.

The directors and deputies were notified of their firing on Tuesday, Feb. 11, while most of the others were notified the following day.

Three sources report that Garcia himself, Deputy Sergeant-at-Arms Trudy Morrison, and a spokesman for Senator Robert Dole, the Senator who nominated Garcia for the position last summer, said the firings were due to Gramm-Rudman. The Washington Post of Feb. 17 attributed the remark to Garcia, Dick House

attributed it to Trudy Morrison when she dismissed him on Wednesday, and the Washington Times attributed it to a spokesman for Senator Dole.

In a telephone interview with the Sergeant-at-Arms on Monday, Garcia stated that those remarks were incorrect. This is not Gram-Rudman, he said, "this is reorganization," a process that Garcia began soon after he won election to his position on June 3, 1985 in the Senate. He decided to reorganize and eliminate excess spending not by firing people by name but by eliminating positions, which legal counsel advised him to do.

There's the rub. By eliminating positions and firing employees not for cause, but through the nameless process of bureaucratic reorganization, Garcia exposed himself to a broadside of criticism from the 21 who were fired from

positions. Since Thursday, Feb. 13, when the last employee was fired, there has been a barrage of criticism of the decision to fire the "professionals" who worked their way up the ladder of succession, and of the manner of the dismissals.

Frank Curtis, former director of the service department, explained that his charge in 1981, when he got the job under the then Sergeant-at-Arms, Howard Liebgood, was to eliminate political patronage in the hiring and operation of the department. He developed his support staff, most of which was fired, through a process of competitive examination. Under his five years as director, there were winners and losers in the department, and the losers remain, he said.

"How can they take the most professional people in the Senate

Continued on page 3

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ROLL CALL 3/20/86

Bad Day at Boot Hill

21 Get Foot from Sergeant-at-Arms

Continued from page 1

and put them on the street, when they still have 15 temporaries," he said.

Citing an example of the department's professionalism over the last five years, the output of newsletters from the Senate has increased from a maximum of 245,000 pieces of mail a day to a current rate of 1.3 million pieces leaving daily, he said.

According to Bob Day, former controller in the service department, the director of Facilities and Financial Management, Bruce Holtsberg, asked Day to provide an assessment of what cutbacks



ERNEST GARCIA

in the allocation to the service department would do, should they be required. Day offered to cut the department's operating expenses, without reductions in personnel, by 10 percent, rather than the minimum of 4.3 percent, which is the amount slated for reduction by March 1, under Gramm-Rudman. Day said Day proposed to achieve the reductions through changes in administrative management but heard nothing further on the proposal.

Day first learned of his dismissal on Thursday, when he arrived in the Dirksen building, only to be told by a security officer that he had been fired, had no permission to enter the building, and would have to yield his pass to the officer. Day, who had been on leave for three days, had been the controller for five years, and an employee of the service department for a total of 12 years.

Trudi Morrison, who dismissed the employees, stated in an interview that Tessa Rico, a 71 year-old bookbinder in the service department "Thanked me for granting her the retirement that she had requested from Mr. Curtis."

In a later interview with Rico, she said that actually she was now outraged at her treatment. When Curtis encouraged her to

stay in her position because of her value to the department, she decided to stay on. Morrison had heard about her former plans, told her on Wednesday at her dismissal to "Come in Monday and we'll fill out all your retirement papers," and said that she had until the end of the day to gather her possessions and leave the building. Rico maintained.

In justifying his decision, Garcia stated that "Since these positions were eliminated there has been an increase in productivity. I have taken a look and decided which positions I can't afford. All but two of these positions were at the management level. So the workers have not been affected."

Morrison stressed that the dismissals were performed in a professional manner, and that Carol Flynn, director of human resources, would assist those fired in finding government positions for which they are qualified.

Flynn stated that under the Ransbeck law to assist former Hill employees, all 21 who were not fired for cause, can automatically qualify for government jobs, provided they have worked in their positions for three years or more. Under the law, they can be employed without a competitive examination in new government positions.

Reid, Weaver...

Continued from page 1

the contest could be a close one, with the popular Lazalt and Chris Hecht, the state's other Republican Senator, pumping for Santini.

Reid, in his second term in the House, serves on the Foreign Affairs and the Sciences and Technology Committees, and the Select Committee on Aging.

There are now 15 House members seeking seats in the Senate, while three others are running for governor and one for lieutenant governor.

Twelve House members and seven Senators have decided to give up legislative service for civilian life.

Hill Hawaiians Hailed as Hit

It was a historical event for New York City's Carnegie Recital Hall as the auditorium "went Hawaiian" last Saturday evening with a production of Hawaiian music and dance which was narrated by Rep. Daniel K. Akaka (D), and included three staffers from the Hill who performed with the dance company.

The staffers, Pat Kim, Office Manager in the office of Rep. Akaka, Lani Hidalgo, Secretary in the office of Sen. Daniel Inouye (D), and Pat Vedact, a staffer in the Committee on Commerce, Science, and Transportation, have been rehearsing and working on their costumes since July, in preparation for the two shows that were performed Saturday night.

The three staffers from the Hill performed with seven other dancers of the Kamaki Kanahale & Company dance group Kanahale, who had been with the National Endowment for the Arts, is the country's only Hula Master. However, the dance that was performed in the production was not the swirling hula dancing that most people expect from Hawaiian dance, but a variety of traditional dances accompanied by music with narration from Rep. Akaka, who was asked to read

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Senate Sergeant at Arms Fires 22 Employees Without Notice

March 3, 1986 Federal Times

Twenty-two Senate employees, including the directors of two divisions, have been fired abruptly in what officials describe as a major reorganization.

The employees, who worked for three months within the Sergeant at Arms office, said they were given no prior notice. One employee with 18 years of government service reportedly received his notification when a Senate security guard presented him a Capitol pass as he reported for work.

Eighteen of the employees worked for 163-person Senate Service Department, which does printing and other logistical services. The top three employees in the Senate's computer center also were fired, as was a worker in the Senate office of parking.

Congress, like federal agencies, has had to trim spending by 4.3 percent to meet the fiscal 1986 Gramm-Rudman-Holman across-the-board cuts. More cuts are needed to meet goals set for fiscal 1987, which begins in October.

The 1,354-employee Sergeant at Arms division is facing reductions up to 7 percent in its \$80 million budget for fiscal

Reed James, a 12-year Senate employee who worked as the assistant controller of the service department, said he was told that his job had been abolished in a reorganization associated with Gramm-Rudman cutbacks.

But Trudi M. Morrison, deputy Sergeant at Arms, said the reorganization had "nothing to do with Gramm-Rudman." She said the terminations had been contemplated by Ernest Garcia since he assumed the post of Sergeant at Arms in early June 1985.

She said that Garcia, who formerly worked for Senate Majority Leader Robert Dole, R-Kan., had instituted the shake-up in order to "increase productivity." Morrison declined to go into detail on productivity.

According to Morrison, the terminations, which included both the director and deputy director of the service department, were intended to shake up the management layer. She said that the reorganization was complete and that there would be no further firings.

Carol Flynn, director of the Senate human resources department, confirmed

that the firings had nothing to do with Gramm-Rudman reductions. But Senate legal counsel Ken Benjamin added that the changes were made "in the face of increasingly scarce resources."

Judy Wilbert, a 10-year federal employee who headed the printing department, said that, in firing her, Morrison told her, "the Sergeant at Arms was not satisfied with my performance."

Wilbert said she had received only top evaluations and had never received any complaints. She got her job in a competitive examination with other employees and said that she was replaced by a former subordinate who "scored lower on the test than I did."

She claimed the sudden terminations were a result of interoffice politics. She accused three former subordinates, including the one who replaced her, of "whispering in Garcia's ear."

Wilbert said that most of the terminated employees had been fired because "they cooperated with me or had been promoted by me."

Flynn said that the reason the employees were not given more notice was the

fact that their morale would suffer and that service to the senators would suffer.

Some employees have talked about filing a class action suit, but Benjamin said he doubted such a suit would have much chance of success. Because Congress is exempt from discrimination and hiring laws, Hill employees don't have the same recourse as other federal workers in cases of reductions in force or other adverse personnel actions.

But they are full partners in the Civil Service Retirement System, which means for voluntary retirements they must have 30 years of service in by age 55, or 20 at 60 or 5 at 62. For involuntary retirements, workers must get 20 years in by age 50. After 25 years of service, an involuntarily retired employee would get an immediate annuity, although it would be reduced 2 percent for each year under age 50.

Last year Rep. Lynn Martin, R-Ill., introduced a bill to extend to employees the protections of the 1964 Civil Rights Act, which bans discrimination on the basis of race, sex, age, religion, ethnic origin or handicap. But the bill died in committee.

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Capitol Hill Firings Called 'a Massacre' Federal Times 9/10/96

The former director of the Senate office decimated by the firing of 18 employees has termed the incident "a massacre."

Frank Curtis, who headed the Senate's service department, said that Sergeant At Arms Ernest Garcia "had a right to let me go, but when it got below the level of my deputy it was different."

"Let's get rid of the wheat and keep the chaff."

In all, 22 employees were fired without warning in what was officially termed a reorganization by Deputy Sergeant at Arms Trudy Morrison.

Originally the reorganization was attributed by Senate Majority Leader Robert Dole's office to the 43 percent cuts that the Senate must undergo under Gramm-Rudman-Hollings balanced budget measure.

But both Morrison and Human Resources director Carol Flynn denied that the deficit reduction measure was a factor.

In addition to the 18 terminated service department employees, three were fired from the computer center and one from

the office of parking. About 1,600 people are employed by the Sergeant At Arms office.

Morrison said the reorganization was complete and it "had been intended to change one management layer."

In contrast, Flynn said the reorganization was part of an ongoing effort. Other sources said that at least 18 more terminations are expected in the computer center.

When Garcia took over as Sergeant At Arms in June 1985, he said "he didn't want to change anything in the service department," according to Curtis.

Currently the service department is being run by the new deputy director Ron Ledlow.

Curtis said that he had "demoted Ledlow" a few years before for allegedly threatening another employee.

Ledlow's wife is the supervisor of the service department's accounting office. On the new organizational chart issued by the Sergeant At Arms office after the reorganization, Dee Led-

low is shown as reporting to her husband.

Flynn said that the Ledlow situation was not a case of nepotism, which is prohibited in the Sergeant At Arms office personnel manual.

She explained that Dee Ledlow was shifted to report to Bruce Holmberg, the director of the Sergeant At Arms office for facilities and financial management.

Flynn also said that she had met with all the fired employees and offered them letters of recommendation and assistance in finding new jobs. She said that some of them had been quite emotional in the meetings.

"I wish they would just find other jobs," she said.

A group of the employees has asked Sen. Charles Mathias, R-Md., to intervene on their behalf. They have also retained an attorney specializing in constitutional law in anticipation of filing a suit against Garcia and the Senate.

— J. P. Mackley

June 7, 1985

Ken U. Benjamin, Jr., Esq.
Deputy Senate Legal Counsel
642 Hart Senate Office Building
Washington, D.C. 20510

Re:

Dear Mr. Benjamin:

Please be advised that _____, and I represent _____ concerning his claims against the U.S. Senate and Mr. Larry Smith, the former Sargeant at Arms, for being fired from his Service Department position on February 8, 1985, without notice or hearing of any alleged improprieties.

As a result of the utter lack of notice and hearing prior to or after Mr. Smith's termination of _____, there has been a clear due process violation. Moreover, since Mr. Smith's letter of termination relies, in part, on allegations of criminal conduct, _____ has also been defamed without justification. _____ remains unemployed since his illegal termination from the Senate, after more than eighteen (18) years of services without prior disciplinary problems.

_____ is interested in returning to his prior position. At this point, as I discussed with you earlier this week, _____ would be willing to settle his claims against those responsible in return for reinstatement to his prior job, back pay and other benefits as though he had never been terminated, as well as an amount for attorney's fees incurred to date. This offer remains open until Friday, June 14, 1985. Should you decide that it is in your clients' interests to avoid costly and publicly embarrassing litigation, we will need to receive your acceptance of our offer of settlement no later than next Friday.

I look forward to hearing from you soon in anticipation of resolving this matter.

Sincerely,

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KEN V. BENJAMIN JR.
 SENIOR COUNSEL
 MORGAN J. FRANKEL
 ASSISTANT SENIOR COUNSEL
 JOHN C. GRABOW
 ASSISTANT SENIOR COUNSEL

United States Senate
 OFFICE OF SENATE LEGAL COUNSEL
 WASHINGTON, DC 20510

MEMORANDUM

TO : The Honorable Ernest E. Garcia
 CC : The Honorable Larry E. Smith
 FROM: Michael Davidson *MD*
 Ken Benjamin *KB*
 RE : Employment Termination Appeal,
 DATE: June 11, 1985

Our office has been contacted by attorney for former Service Department employee, seeking reinstatement of his client to the job of wrapper in the Packaging and Flag Operations unit, Materiel Facility Section, Logistical Services Division. was terminated from that position on February 8, 1985, following an incident in the Russell building cafeteria two days earlier in which he had not fully declared the contents of a carry-out carton to a cashier, then when confronted had given a fictitious name and place of work to Restaurant Operations Director, John Koutsoumpas. is essentially maintaining to us that discharge was in violation of Fifth Amendment guarantees of due process, contending that he was given no notice, no hearing and no chance to reconcile his actions, notwithstanding the absence of any criminal charge (or proof thereof) and the fact that he had in excess of 18 years' service to the Senate without, according to, "prior disciplinary problems."

Our purpose in bringing this matter to your attention now is not only to apprise you of the existence of impending litigation but also to make recommendations concerning possible early resolution of the case. At this point, no lawsuit has been filed and the situation is strictly an administrative problem within the Sergeant at Arms office. We have spoken either personally or by telephone with nearly everyone materially involved in the events leading to dismissal -- and have made an assessment of our legal position should we ultimately be faced with a trial. As with any disciplinary action, is sort of a "mixed bag," but very definite strengths and weaknesses can be

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gleaned from a review of the facts, an evaluation of applicable SAA personnel guidelines, and a look at relevant case law precedent.

There is no question from a factual standpoint that breached at least two SAA Standards of Conduct that formed the basis for his firing. Neither is there any doubt that the decision to terminate him was made in the good faith belief that it was correct, based on the information and advice presented. He had been observed for a week paying for fewer items than he was taking from the food line before being stopped by Mr. "K". Moreover, he improperly identified himself when asked his name, and compounded that misrepresentation by saying he worked for Mr. Caraway (Superintendent's Office). He apparently provided no explanation to anyone for the deception (once he was located in the Service Department) other than he "wasn't thinking" -- and never, that we know of, demonstrated any remorse. However, there are certain elements of his case that, from a legal perspective, do tend to operate on his behalf.

The first of these is his removal for, in part, allegations of theft and fraud without a criminal charge or prosecution, with an admission of somewhat questionable validity, and with no opportunity to talk to any of the management personnel responsible for the decision until his exit interview. Indeed, "the only charge available in such cases would be shoplifting" (Inspector Blackston's report, USCP) -- and was allowed to go back to pay for the disputed difference. When this is juxtaposed with previous employment terminations for such things as (1) possession of drugs and (2) expropriation of Senate furniture items for sale and profit (cf. case parallel), both of which were (are being) prosecuted -- as well as the sole relevant SAA criterion we have to go by, which is "conviction of a felony or other serious crime" (emphasis added) -- it becomes difficult to show that this personnel action conforms to established practice. Further, the Senate is not necessarily bound to consistency among its various departments, but it is not insignificant that a woman caught performing the same act as in the food line approximately two weeks before (AOC employee) was let off with a reprimand and temporary ban from the restaurant. Regardless, it is the issue of lack of adherence to basic due process requirements (e.g., the right to receive notice, confront witnesses, and explain any actions or discrepancies) that would create the real vulnerability in the eyes of the Court, inasmuch as this was a dismissal based largely on criminality.

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The other aspect of this case -- use of a last name alias and misidentification of his supervisor -- probably best falls under the misconduct category of "failing to give complete information" and "being disrespectful to supervisory personnel." The impact of this type of insubordination is not easily calculated legally, but suffice it to say that it was a major attitudinal factor in aggravating the situation that led to his dismissal. No one can say what the result would have been had (1) given his right name; (2) been asked by the Capitol Police officer instead of Mr. "K"; (3) not been recognized by the officer as a "familiar face" and Senate employee; or (4) been asked to present his ID; however, chances are he would still be employed today, on probation or otherwise. The other unknown is what decision would have been made had been an exemplary employee rather than one with a record of leave abuses, but since previous disciplinary measures for that were not cited as contributory to his firing, their existence would likely be used to imply to a jury that we were "looking for some other excuse to get rid of him." Finally, the mere fact of his having served the Senate "satisfactorily" for over 18 years would probably be viewed as sufficient to offset or mitigate his behavior of February 6.

As to what we could expect to come out of a protracted legal battle over quest for reinstatement, we should consider our experience in the Hanson v. Hoffman matter of 1981 as instructive. For there, after more than five years of discovery, pleadings, negotiation and the like -- and an adverse Appellate Court reversal and remand -- the Senate ended up paying an approximate \$35,000 settlement for back pay, in addition to rehiring a telephone operator who had been discharged essentially for poor work performance and "impertinence." That decision, in part, grew out of the principle established in the landmark 1979 Supreme Court holding in Davis v. Passman that legislative branch employees may seek judicial review of employment decisions by invoking the due process clause of the Fifth Amendment. Without being able to anticipate a successful assertion of either official or Speech or Debate clause immunity with , we would have to prepare to open up both the termination decision and the SAA Standards of Conduct upon which it was predicated to judicial and public scrutiny that could have the undesirable effect of engendering externally-imposed changes in Senate policies.

We are not saying in any sense that firing was not justified; as a matter of fact, it may very well have been appropriate on the merits even though seemingly inadequate procedurally. Neither are we necessarily

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suggesting that a defense of it could not ultimately be winnable. Our concern is that, regardless of the final result, the risk of damage to the institution may simply outweigh the price of an early resolution. Even in the Hansen case, while not directly forced, changes in Senate maternity leave guidelines did ensue. And in an earlier (1974) case similar to (Parker v. Allen), a dismissed employee won a court-ordered hearing before a "neutral examiner." Therefore, we are recommending, somewhat reluctantly, an offer of qualified reinstatement to that would, in exchange for his forbearance on litigation, give him his old job back with whatever range of sanctions might be indicated. We would contemplate doing this based simply on a compassionate reconsideration without any admission of error on the part of any Senate official. The credibility and authority of all those involved would be protected, while the prospect of personal liability (particularly if a defamation charge were to stick) would be eliminated. The question of clarifying the bases and procedures for terminations (so as to effect secure grounds for discipline) without doing disservice to the flexibility and discretion of the Sergeant at Arms would be a separate matter for possible future exploration.

Should you jointly concur with this analysis, we would have to negotiate with _____ lawyer as to the terms, then obtain a projection from the Financial Clerk of the dollar amounts involved (if back pay is a factor), and finally, seek passage of a Senate Resolution authorizing the settlement (unless, in the interest of lower visibility, it could be done as a current year adjustment transaction). We have reason to believe that the only individual Senator interested in this case, Sen. Mathias (of whom _____ is a constituent), who has made previous inquiries to ascertain the facts, would be supportive of a decision either way. If you are indisposed to the compromise in principle necessary to make this accommodation, we will so advise _____ (through _____, who as per the attached letter is seeking a response by this Friday, June 14) and allow him to proceed with his complaint in District Court. In any event, we are prepared to discuss the situation with you more thoroughly at your convenience.

Encl.

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A G R E E M E N T

This AGREEMENT, made this 1st day of July, 1985, is between _____, a former employee of the United States Senate, and Ernest E. Garcia, the Senate Sergeant at Arms.

WHEREAS _____ has heretofore asserted claims against Larry E. Smith, predecessor in office to Ernest E. Garcia, in his individual and official capacities, and against his successors in office and his and their agents and subordinates (herein collectively referred to as the Senate Sergeant at Arms) in connection with separation from Senate employment on February 8, 1985;

WHEREAS the Senate Sergeant at Arms has not acknowledged, and no determination has been made, that there has in that same connection been any violation by the Senate Sergeant at Arms of any law, rule, regulation or right, or that any claim exists which may give rise to a cause of action;

WHEREAS, notwithstanding their disagreement over the basis for and process of such aforesaid separation, the parties are desirous of reaching a prompt and fair resolution of their dispute, consistent with their respective interests; and

WHEREAS the parties to this Agreement have been represented by counsel and have entered into this Agreement after receiving and considering the advice of such counsel;

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NOW THEREFORE, in consideration of the mutual promises and commitments contained herein, and Ernest E. Garcia agree to settle the aforementioned claims as follows:

1. On Monday, July 1, 1985, shall be reemployed by the Senate Sergeant at Arms in the Facilities and Financial Management Department, Custodial Services Division, at the salary of twenty thousand one hundred eighty-eight dollars (\$20,188.00) per annum. His appointment to that position shall be in the nature of reinstatement such that he shall be given full credit for 18 years, 4 months and 1 day of service to the United States Senate for the purposes of all terms and conditions of employment.

2. As a result of the above status, shall gain entitlement to twelve and one-half (12 1/2) days of vacation leave and six (6) days of sick leave for the remainder of the year 1985, and, on January 1, 1986, shall resume entitlement to such leave at the rate of 25 days and 12 days annually, respectively. He shall also be restored to all other former benefits including, should he choose to reenroll in the Civil Service Retirement program in which he was previously participating, the payment of contributions by the Senate on his behalf at the rate of seven and one-half percent (7 1/2%) of gross salary, effective on the date of reemployment.

D.D. L. 85

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3. shall, for the purpose of evaluating his performance and conduct in an employment capacity different from that in which he last served the Senate, be treated as a new employee for the first sixty (60) days from July 1, 1985. He shall not, however, be subjected to any scheduled retention review at the end of that period and, if responding to normal supervision and instruction in a satisfactory manner, shall continue thereafter as any other Senate employee with the tenure similar to that described in paragraph 1 above.

4. The appointment and reinstatement of as set out in paragraphs 1 and 2 above shall be full settlement and satisfaction of any and all actions, causes of action, debts, demands, suits, agreements, damages and claims of every nature, known or unknown, with respect to the United States Senate, the Senate Sergeant at Arms, and all Members, officers and employees of the Senate which may have had, now has or may in the future have by virtue of, or arising out of, any matter, cause or thing whatever existing to the date hereof.

5. This Agreement embodies all the terms and conditions of the settlement between and the Senate Sergeant at Arms and supersedes any previous verbal and/or written proposals, positions or agreements.

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6. Neither this Agreement nor anything herein shall be construed to be an admission of liability or fault on the part of the Senate Sergeant at Arms, nor shall said Agreement be admissible in any proceeding as evidence of an admission by the Senate Sergeant at Arms of any violation of a law, rule, regulation or right.

7. Each party in this Agreement shall bear the attorneys' fees and costs it has incurred to-date as a result of all matters referenced herein. It is understood and agreed that the parties will be released from all of their obligations should the reemployment stipulated in paragraph 1 not, for any reason, occur; provided, however, that the parties agree to renegotiate this Agreement in that event.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on this date, July 1, 1985.

Witness:

Witness:

Ernest E. Garcia

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U. S. SENATE
OFFICE OF SENATE LEGAL COUNSEL
JAMES C. GRABOW
ASSISTANT COUNSEL

United States Senate

OFFICE OF SENATE LEGAL COUNSEL
WASHINGTON, DC 20510

June 13, 1985

RE:

Dear Mr. :

In response to your letter of June 7, 1985, on behalf of the above-referenced former employee, I have been authorized to inform you that notwithstanding the Senate's position that termination on February 8, 1985, was entirely justified and appropriate, we are prepared to reach an amicable resolution of the matter by offering him conditional reinstatement, effective upon an agreement as to the terms.

While we would not, out of our own and his best interests, contemplate your client's returning to the exact same job that he left in the Service Department, we would have in mind a comparable assignment under the jurisdiction of the Sergeant at Arms and at the identical salary level. Because of the circumstances of his departure and his record of prior disciplinary problems, we would also have to insist that he be on a probationary status both as to performance and conduct for the first 60 days.

Although you mentioned a desire for to receive such things as back pay, benefits (presumably retirement contributions) and attorney's fees in conjunction with his reinstatement, we are simply unwilling to provide any of the three -- even if there were some method available for doing so. The fact is, he committed some very serious, unacceptable acts which led to his dismissal, and only by regarding his three-month absence as a suitable sanction period can we see fit to use 18 years' service as a basis for his rehiring.

After discussing this response with your client, we would appreciate your calling our office to arrange for a meeting here to work out with him the details of his reemployment. Since we assume you will want to move rather quickly in that regard, we would suggest next Monday or Tuesday as a convenient time for the necessary negotiation.

Sincerely yours,

Ken Benjamin

Ken U. Benjamin, Jr.

bcc The Hon. Ernest Garcia ✓

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rec'd 8/11/86

August 7, 1986

Honorable Charles McC. Mathias, Jr.
 Chairman
 Committee on Rules and Administration
 United States Senate
 Washington, D.C. 20510

Dear Mr. Chairman:

We would like to thank you and all members of the Committee on Rules and Administration for questions raised during the July 30 oversight hearing on the operations and functions of the Office of the Sergeant at Arms which specifically pertained to the dismissal of the 18 Service Department employees. As you know, we submitted a statement for the record prior to the hearing in an effort to bring all committee members up to date on the inconsistencies and improprieties of the Sergeant at Arms' actions to that point. Because of inaccuracies in Mr. Garcia's July 30 testimony, and misleading statements made by him and his staff, we felt that it was necessary to submit a second statement for the record. Major inaccuracies are addressed below. Additionally, we have enclosed a point-by-point commentary and rebuttal to other statements made.

1. Abolishment of positions.

Mr. Garcia	"All of the 18 positions were abolished, Senator." "We looked at what positions we could no longer afford ...I could not look at individuals... So we looked at positions."
Ms. Flynn	"In other words, we did not fill these positions." "We did not put new people in those positions that were eliminated."
Ms. Morrison	"Decisions were made based upon positions not upon people."

Fact: All 18 positions were not abolished. There is still a Reprographics Division Manager. There is still a Night Operations Branch Head. There is still an administrative Branch Head position in the Reprographics Division. There is still a Supervisor of Micrographics. There are still Level I Bindery Machine Operators and Camera Operators. And, of course, there is still a Director of the Service Department. People were promoted into the first four positions mentioned the day after the firings were complete. Others were demoted. People were targeted for dismissal, for promotion, and for demotion. For example, the Reprographics Division Manager was dismissed and replaced by someone two levels below her. Two out of three of her Branch Heads were dismissed, and the third Branch Head was promoted to the position of Director of the Service Department.

Honorable Charles McC. Mathias, Jr.
Committee on Rules and Administration
August 7, 1986

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2. Salaries of employees dismissed.

Ms. Flynn "The positions that were eliminated were upper management -- well, very upper management; most of the people were making in excess of \$35,000. It was extremely difficult to find a comparable position in another place within the Sergeant at Arms for these people."

Fact: Out of those below the level of Deputy Director, 6 out of 16 made less than \$35,000 and as little as \$20,711. Tessi Ricco, Roger Clark, Mark Cheeseman, Leonard Lynch, and Faye Winn never held "upper management" positions in the Service Department. Most employees dismissed held staff or middle management positions. Two employees in the Reprographics Division making in excess of \$45,000 were retained and promoted.

3. Service to the Senate.

Ms. Flynn "I am very well aware that service to the Senate is temporary in nature; an employee serves a week, they serve 10 years, they serve 15 years -- and just by the nature of coming to the Hill as a staffer, a person should intuitively know that their position -- you serve at the will of whoever, whether it's a Senator, whether it's the Sergeant at Arms, the Majority Leader. This is inherent in Senate employment."
"In my own case, I lost my position in a previous committee three years ago through no fault of my own, just by such a similar type action."

Fact: Departments providing institutional support, and having nothing to do with the legislative process, have maintained continuity and provided on-going services by keeping the lower ranks stable. The mass firing of rank and file service employees is unprecedented. Not only were those dismissed told at various times by past Directors and Sergeants at Arms "you have nothing to worry about", but employees "intuitively" know that after 10 years, or 16, or 22, or 28 (actual years of service of some of those dismissed) they have seniority and will be the last to go in a reduction in force.

No credible or rational explanation has been given for our dismissal. We worked hard, excelled, and were rewarded with promotions over many years of service to the Senate. We worked under many Sergeants at Arms, and in many different capacities. We would have gladly discussed alternatives to being dismissed.

Honorable Charles McC. Mathias, Jr.
Committee on Rules and Administration
August 7, 1986

Page 3

With in excess of 1,300 employees to oversee, with no consultation with the Director or the Deputy Director, with no GAO personnel audit of the Service Department, how did Mr. Garcia determine who to fire and who to keep, who to promote and who to demote? Since he didn't go to the Director or Deputy Director for operational insights, or to the Personnel Manager for the history and skills of each employee, how did he know which employee could perform a given task? Ms. Morrison admits that her first contact with many of the dismissed employees was the day that she fired them. Mr. Garcia received advice from someone. Who were they? How objective were they? What were their motives? What is their background, and what are their qualifications to make such determinations?

Statements made by Mr. Garcia and his staff during their testimony on July 30 demonstrate an unwillingness to truthfully describe the events surrounding the Service Department terminations. Innocent, hard-working people and their families have suffered too long already because of Mr. Garcia's intransigence. Therefore, again, we implore the Committee to provide immediate relief for these wrongfully terminated people pending a full investigation by the Committee.

Respectfully submitted:

Judith F. Wilbert
Judith F. Wilbert

Reed E. James
Reed E. James

Richard A. House
Richard A. House

Enclosure

ENCLOSURE

Comments on Transcript of July 30 Oversight Hearing on the Operations and Functions of the Office of the Sergeant at Arms of the Senate

Mr. Garcia
Page 15/16

"By cross-training employees to perform additional duties in other sections, we provide additional service at a reduced cost and also give employees more of an opportunity for advancement."

Comment

We cross-trained, worked hard, excelled, and were rewarded with promotions over many years of Senate service; then we were abruptly terminated by Mr. Garcia. Who's to say whether or not employees being cross-trained now and being provided with "more of an opportunity for advancement" will be abruptly terminated by Mr. Garcia's successor(s)? What kind of message has been sent to all service employees via our dismissal?

Mr. Garcia
Page 17

"And again, as an example, we are in the process of developing documented job descriptions for all Sergeant at Arms employees. Included in each job description will be a salary range, that is, minimum and maximum salary for that particular job."

Comment

Every position in the Service Department had written job descriptions, with minimum and maximum salary range included, and these were made available to all employees. Mr. Curtis instituted standardized job descriptions five years ago.

Mr. Garcia
Page 18

"Some of these, for example, are career path program, cross-training program, employee grievance board program, employee of the quarter, employee of the year programs."

Comment

Mr. Curtis instituted the Employee of the Quarter and Employee of the Year program in the Service Department approximately 3 year ago. Several of the employees fired developed and implemented this program. Mr. Curtis also instituted cross-training and career path programs.

Mr. Garcia
Page 18

"The fact is that, due to limited resources and responsibility to provide service to the Senate, this was not, from the very outset, an option."

Comment

Mr. Garcia was offered 10% in budget cuts without reduction in personnel or services by the Service Department. This budget cut submittal was ignored.

Mr. Garcia
Page 48/49

"We looked at what positions we could no longer afford, Senator. I felt that I could not look at individuals, ...So we looked at positions."

Comment

Individuals were targeted for dismissal, demotion, and promotion. This was not an across the board abolishment of positions. What determined who went and who stayed?

Mr. Garcia
Page 47/48

"...but then, Senator, they were given on the average of six weeks on the payroll."

Comment

Most employees below the rank of Deputy Director were given 10 days Administrative leave and their unused Annual Leave. By contrast, it is our understanding that OPM regulations in the Executive Branch give (1) accrued Annual Leave, and (2) one week for each year of government service, plus one additional week for each year over 39 years of age. The incentive, of course, is not to let tenured employees go in a RIF as it causes the government cash outlays that defeat the purpose of the RIF. On the human side, it is recognized that a middle-aged person is less marketable and the job search will be long and competitive. The severance pay given by the Sergeant at Arms was extreme and harsh and should not be construed by anyone as liberal.

Mr. Garcia
Page 48

"They were notified the day that we decided to terminate them."

Comment

This is true. It is also an accurate account of the deliberation that took place before taking such crucial action. The terminations were done impulsively and with excessive haste, otherwise letters of reference, letters of explanation, and Ramspeck papers would have been ready; and the SAA Placement Office would have been able to provide counsel and assistance that day. Our names were rushed to the Capitol Police (with many of our names misspelled) making our terminations effective 9:00 a.m., February 12. Five persons on the list had already been terminated on February 11. (See Attachment 1)

Mr. Garcia
Page 50

"We made a thorough review of a variety of options. One of them, Mr. Chairman, was the review of OPM RIF procedures....The primary problem with these procedures is the mechanism involving "bump" and retreat ...staff."

Comment

OPM RIF procedures could very readily have been used to effect the personnel actions taken by the Sergeant at Arms. Most of the terminated employees had risen from the ranks and were cross-trained in numerous Service Department functions. The Senate operates on the seniority system as does most of the Federal government and many parts of the private sector. What is wrong with "bump" and retreat procedures? What possible incentive remains for someone to work in the Service Department if a seniority system is not used?

Mr. Garcia
Page 51

"...it was an 8-month process, I took 8 months to look at the entire organization...we met with a variety of people, ranging from Legal Counsel to the folks downtown at OPM."

Comment

Why, as late as January 10, 1986, did the Sergeant at Arms state that the Service Department would undergo a GAO personnel audit and that no personnel actions could take place until that was accomplished? Why did this GAO personnel audit never take place? Why weren't the Director and Deputy Director a part of this 8-month process to assure fairness and accuracy? Who did, in fact, perform as members of this review? Why wasn't a report produced documenting their findings and decisions?

Mr. Garcia
Page 51

"All of the 18 positions were abolished, Senator."

Comment

This is not true as stated in our cover letter.

Ms. Flynn
Page 61

--the positions that were eliminated were upper management--well, very upper management; most of the people whose positions were abolished were making in excess of \$35,000..."

Comment

This is not true as stated in our cover letter. Six out of sixteen below the rank of Deputy Director made less than \$35,000. Two employees were from the rank and file; many others were staff or in the middle management range.

Ms. Flynn
Page 61/62

"...we also had to take a look at the morale aspects... detract from the morale of the Service Department." "So instead of allowing these people to perhaps take lesser positions, which would have meant that people in the lower positions would have lost their jobs..."

Comment

As stated earlier, "bump" and retreat is fair, it's explainable, and it can be understood by everyone. Does anyone really believe that the way these terminations were handled improved morale, or put employees in the lower ranks at ease about their futures in the Service Department?

Ms. Flynn
Page 62

"But, Senator, there was no new person that was given their position; in other words, we did not fill these positions. ..., but we did not put new people in those positions that were eliminated."

Comment

The key word in this statement is "new". However, Mrs. Wilbert was replaced by Mr. Joyner; Mr. House was replaced by Mr. Hughes, Mr. Valsi was replaced by Mrs. Getty; Mr. Jansson was replaced by Mr. Randall; Mr. Clark's function remains (camera operator). Mrs. Ricco's function as Bindery Machine Operator, Level I, remains. The responsibilities and duties of these positions are essential and someone has to do them.

Ms. Flynn
Page 63

"...service to the Senate is temporary in nature... a person should intuitively know--you serve at the will of whoever..."

Comment

We take exception to this as stated in our cover letter. We have bid fond farewell to retirees who have spent their entire years of government service in the Service Department. We "intuitively" knew that as each year went by, we had seniority and would have the privilege of retiring from the Senate as our co-workers had done.

Ms. Flynn
Page 63

"And we by no means meant to impart to the people who left that they were not appreciated and that their service went unrecognized."

Comment

We were told to be out of the Service Department on the day we were notified of dismissal. In some cases, the time allowed for departure was extremely short as they were told at approximately 5:15 p.m. (Reed James, Dick House). Our names were given to the Capitol Police as if we were terrorists instead of appreciated employees. For employees with 28 years (Tom Golden) or 24 years (Tessi Ricco) or 22 years (Dick House), who had participated in and arranged so many retirement festivities for their fellow employees, appreciation and recognition of years of service was not displayed by the Sergeant at Arms.

Ms. Morrison
Page 64

"I would like to address the issue of fairness, the issue of compassion..."

Comment

Tenure not based on seniority, employee evaluations, job performance, education, veteran's preference, etc., is patently unfair. All of the dismissals lacked compassion and fairness, as exemplified by Bob Day who learned of his demise when his badge was confiscated by the Capitol Police.

Ms. Morrison
Page 65

"And I can only say that the Office of the Sergeant at Arms has tried with utmost care to place the terminated individuals when they allowed us to assist them in displacement efforts."

Comment

Jim Thomas received a package of Federal job announcements from the SAA Placement office for positions in Senegal, Spain, and West Germany, and requiring specialized technical expertise which he did not have. He had never expressed a desire to live abroad, as his wife, children, and home are here.

UNITED STATES CAPITOL POLICE

WASHINGTON, D.C. 20510

February 11, 1986

MEMORANDUM

TO: Inspector Michael J. Boyle

FROM: Deputy Chief Robert K. Langley

SUBJECT: Employee Termination

Please be advised that effective February 12, 1986 at 0900 hours, the following individuals employment will be terminated due to reorganization of the Sergeant at Arms of the U.S. Senate.

Bob Day
 Fay Winn
 George Van Gorder
 Al Valsi
 Leonard Lynch
 Mark Cheesman
 Dick House
 Roger Clark
 Reed James

Barbara Fritz
 Tom Golden
 Jack Cross
 Jim Thomas
 Tessi Ricco
 Judy Wilbert
 Carl Jantzen
 Martha Redstrom-Plourd

Jim Pressner
 Darryl Hyde
 Frank Curtis
 Mick Cotton

Accordingly, these individuals will be required to surrender their employee identification, park permits and any other government property in their possession.

Please handle the notification to your staff and ensure that our personnel are professional in the discourse of their duties should they encounter these individuals.

*Copies to:
 all Captains
 all Sec. Co.'s
 all for proper dissemination
 2-12-86
 JH*

Robert R. Langley
 Robert R. Langley
 Deputy Chief
 Uniform Services Bureau

REG:dab

ATTACHMENT 1

6830 Stoneybrooke Lane
Alexandria, VA 22306
July 30, 1986

Honorable Charles McC. Mathias, Jr.
Chairman
Committee on Rules and Administration
United States Senate
Room 301 Russell Building
Washington, D. C. 20510

Dear Mr. Chairman:

I attended today's hearing on the operations and functions of the Office of the Senate Sergeant at Arms because of my interest in an agenda item pertaining to the dismissal of a group of employees of the Service Department.

It is my understanding that the hearing record would remain open for additional comment. I would like for the Committee to have the benefit of all the facts of this matter. Therefore I am submitting the enclosed statement for inclusion in the hearing record.

Sincerely,



Frank W. Curtis

STATEMENT BY FRANK W. CURTIS
FOR THE COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE
JULY 30, 1986

I appreciate the opportunity to provide the Committee with a statement of my views concerning the mass dismissal of employees of the Senate Service Department last February.

My name is Frank W. Curtis. I served as Director of the Service Department from April 22, 1981 until February 11, 1986. Prior to my Senate appointment I served 27 years with the United States Air Force, retiring with the rank of Lieutenant Colonel. My military career included six years of reserve duty, during which time I was assigned to a Sears-Roebuck executive management group. My background before coming to the Senate was as a professional in logistics management, a field which involves procurement, supply, transportation, maintenance, and equipment management.

May I state at the outset that this statement is in no way intended to generate sympathy or support for Frank Curtis. I fully accept the fact that my deputy and I served at the pleasure of the Sergeant at Arms, and when it was no longer his pleasure that we serve, we accepted that decision. Rather, my purpose is to provide the Committee with factual information that may be helpful in understanding the widespread consternation which resulted from the abrupt firings of 16 Service Department employees with a total of more than 200 years of service to the U. S. Senate. In my opinion, that action was wrong on two general counts. It was wrong because the Senate majority kicked out a group of individuals who brought economy and efficiency to government; and it was wrong because of the slipshod and undignified manner in which these people were severed from an institution to which they had devoted so much of their lives. I am not attempting to argue that these employees did not receive due process or that their civil liberties were violated. That is for the Rules Committee, the Ethics Committee, or perhaps a court of law to decide. I can only say that I have witnessed nothing like it in my 32 years of government service.

My remarks will of necessity be brief and somewhat compressed. The facts, however, are fully documented. Both my deputy and I kept daily diaries of what transpired in the Service Department. These, together with other files and documents, enable me to describe events accurately and precisely. If Senators, or members of the Committee staff or personal staffs, wish to pursue this inquiry further, I will be pleased to be of service.

To place the dismissals of last February in the proper perspective, allow me to relate the "marching orders" I received from the Sergeant at Arms when I became Director of the Service Department in April, 1981. At that time the office was held by Howard Liebengood, but he delegated to his deputy, Larry Smith, the responsibility for the Service Department. I met with Larry Smith and he told me to do three things:

-- Clean up the mess.

-- Professionalize and modernize, both with people and technology.

-- Provide more and better service with less money.

To accomplish these objectives, we were to take certain actions:

1. Establish a strong organization with viable management that would be self-sustaining.

2. Replace a personnel system based largely on patronage with one emphasizing qualifications, ability and merit. Specifically, the new system would ensure that every employee could reach his or her highest potential through self-improvement, strong leadership and encouragement, with a well-defined career progression.

3. There were to be no double standards, either for employees or for our customers, and our services were to be provided on a strictly bipartisan basis to all Senators and Committees.

From that day in 1981, this assignment remained unchanged. During the time I was Director, the Service Department was under the control of three Sergeants at Arms and four deputies (two of whom moved up to the top job), and not one of them expressed disagreement with these initial orders. In fact, the present Sergeant at Arms, Ernest Garcia, emphatically concurred with these directives, as well as our established methods of operation, in a meeting with me and my deputy, Mick Cotten, on May 30, 1985.

I am extremely proud of the progress that was made in achieving those goals and objectives, and I give full credit to the loyal, dedicated, hardworking Service Department employees for what was accomplished in five short years. For the record, may I cite some of those accomplishments:

First, we cleaned up the mess. This meant literally in some cases, because conditions in the print shop were not only unsightly and unsanitary, but unsafe. We also cleaned

up and streamlined the overall operation of the department. We also improved the appearance of the department and redesigned the customer service area.

We instituted professional staffing practices to replace the patronage-dominated system that existed. No personnel records were being kept. There was no basis for salary levels or promotions. We established policies and procedures, all described in a personnel handbook, which was later expanded to include the entire Sergeant at Arms office. One key feature of the new personnel system was career paths identification, by which an employee could advance to a better position. Employee morale was improved through awards and recognition programs.

The production plant was modernized as well. We upgraded equipment and automated work order tracking, cost analysis and reporting, and parts inventory and usage. Quality control procedures were put in place and supplies were centralized.

Perhaps our proudest accomplishment was improving service and reducing costs, through increased productivity, consolidation of functions, and tighter management controls. Here are some examples:

-- The output of newsletters was increased from 118 million to 314.2 million pieces of mail annually.

-- The third class mail sort program saved over \$100 million in postage. A portion of these savings resulted from the change to printing town meeting notices as post cards.

-- The department produced "red line" bills at a significant reduction in cost, compared with the Government Printing Office.

-- Use of the federal surplus property program, begun in 1982, saved \$50,000 the first year.

-- Additional savings resulted from in-house maintenance, replacing costly outside maintenance contracts.

We took steps to improve internal communications, thus increasing overall efficiency, and also to improve communications with Senate offices.

As a result of these endeavors, it is my firm belief that the Service Department was rid of a certain undesirable stigma and that it established a reputation of high professionalism, credibility and integrity. Words of commendation from many Senate offices affirm that belief.

For that reason, the actions of last February 11, 12 and 13 are unexplainable. Because in one sudden strike, some of the men and women most responsible for this proud record were sent packing.

I said earlier it was wrong to throw out those employees who made such a great contribution to economy and efficiency. There is also a humanitarian side to consider. Those employees were not warned that their jobs were on the line. Nobody had said their performance was not up to par, or that their jobs might have to be eliminated. Word got around, however, that a mass firing was in the works because of the sloppy way it was handled. The Capitol Police were given a list of names with instructions that those employees were not to be allowed to use Senate parking and that their Senate identification cards were to be collected on a certain date. If that does not smack of Gestapo tactics, what does?

The explanations given for dismissal were incredulous and confusing. Some were told their jobs were abolished, others that their jobs were being "reorganized." Yet almost immediately those "abolished" and "reorganized" positions were filled, in most instances by lesser qualified persons. Although I could make a good case for virtually every one of the unlucky 16, one stands out as exceedingly unfair and heartless. I am speaking of Tessi Ricco, a 78-year-old former schoolteacher who had worked at the Service Department for 24 years. She was classed as a Level I Bindery Machine Operator. What she did was to process by hand the odd-sized printing that could not be handled automatically. She was a good worker, and that is why I persuaded her to stay on when she was thinking about retiring. It made her happy to know she was needed. This dear lady was forced out along with the rest.

Before closing, I would like to challenge one explanation for the firings that was floated, at least tentatively--that being to comply with the requirements of Gramm-Rudman-Hollings. The Service Department was asked for an assessment of the impact of cuts ranging from the minimum 4.3 percent to a 10 percent reduction in its FY1986 budget. Our comptroller responded with an offer to cut the department's entire budget by 10 percent without reductions in personnel. No acknowledgment or other reaction from the office of the Sergeant at Arms was received.

May I reiterate that what I have said in this statement is not in any way, shape or form for my personal benefit. I seek no redress, no restitution, no apology. I have not complained to any Senators or taken any legal action on my behalf, nor do I intend to do so. But I do feel some deep personal pain for the talented professional employees, many

of whom worked their way up through the ranks to positions of greater responsibility and high achievement, only to be unceremoniously exiled from the institution they served so well. These good people should have been rewarded for their efforts, not punished. At the very least, if the powers-that-be ruled that personnel reductions were necessary, those changes could have been made in an orderly fashion. The House was able to do it; why not the Senate? Instead these faithful public servants became hapless victims of an arrogance of power which in the execution reflected badly on the Senate as an institution. What happened to these employees was an affront to the dignity of every working man and woman on Capitol Hill and I pray it will not be repeated.

[STATEMENT OF SENATOR PAUL SIMON]

Mr. Chairman, I want to thank you for scheduling this oversight hearing into the operations of the Sergeant-at-Arms. I have already submitted several questions for the Committee record.

I would also like to thank Mr. Garcia for attending this hearing today. I think we need to keep in mind some basic facts. We need office systems that are easy to use, that are reliable and efficient. We don't want to become programmers -- we don't have the resources. We need to look to the Computer Center to provide those services for us. It seems that somewhere along the line, this basic concept has been lost and we ought to move more clearly in this direction.

On another matter, in reviewing documents submitted to the Rules Committee and recent statements by the Sergeant-at-Arms, Mr. Chairman, I am concerned about the employee terminations which took place at the Service Department and the Computer Center in February. Mr. Garcia has stated that in determining which people were to be terminated, that consideration was given only to the "job" and not the person. No consideration was given as to the length of service, loyalty to the organization, and most importantly, job performance. In the "reorganization," no attempt was made to reassign the affected

people or to offer them lesser positions. Clearly, this hampers employee morale and is counter-productive to effective service.

I've read some accounts of these terminations that are particularly disturbing, events which show a lack of sensitivity and reciprocation of the loyalty we demand from our employees. The damage has been done, often to individuals who have given years of quality service to the Senate. I would only hope that these hearings you have convened have sent a very clear message about our concern.

Mr. Chairman, throughout my career in public service, I have been committed to the fair treatment and rights of workers. These actions are not in the best interests of the United States Senate and tarnish its image. I've noted that some of these accounts have already been aired in the news media. I respectfully request that the Committee make assurances, wherever appropriate, that these kinds of activities and personnel actions do not repeat themselves in the Senate.

This leads me to my final point. The "Guidelines for Information Processing and Computer Service Activities" adopted by this Committee in 1971 state that:

"The Committee on Rules and Administration shall have the authority concerning policy, organization, initiation, implementation, operation and evaluation of all matters concerned with information processing and communications as they relate to mechanization, automation, computerization, or related functions. . . The Committee will establish all policy concerning the operation of new services and systems, and will maintain the authority to have its staff be responsible for such operation. . ."

The Sergeant-at-Arms testimony before the Committee states that ". . . it has been the responsibility of the Office of the Sergeant-at-Arms to initiate, negotiate and finalize all contracts, subject to the approval of the Committee. . ." This does not, in my view, agree with the Committee's guidelines established in 1971.

I propose that the Committee and its staff establish written, uniform and binding procedures, including personnel and contractual procedures, that clearly delineate the duties, oversight, funding, direction and accountability of all parties. I ask that the Committee have a follow-up hearing to discuss these matters. I believe that in this way we will have a smoother operation of Senate functions and that we will guarantee the fair treatment of all Senate employees.

I thank Mr. Garcia for attending today, and I thank the Chairman.

[Whereupon, at 4:29 p.m., the committee was in recess, to reconvene subject to the call of the Chair.]

